

China Insights

Huawen Liu

China's Road to Human Rights Development



中国社会科学出版社
CHINA SOCIAL SCIENCES PRESS



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ISSN 2363-7579
China Insights
ISBN 978-981-99-1773-0
<https://doi.org/10.1007/978-981-99-1774-7>

ISSN 2363-7587 (electronic)
ISBN 978-981-99-1774-7 (eBook)

Jointly published with China Social Sciences Press
The print edition is not for sale in The Mainland of China. Customers from The Mainland of China please order the print book from: China Social Sciences Press.

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The registered company address is: 152 Beach Road, #21-01/04 Gateway East, Singapore 189721, Singapore

Series Foreword

Since the Opium War, modern China has come under attack and been bullied for its backwardness; this cultural circumstance has given many Chinese people a psychological inferiority complex, as China has lagged behind other countries technologically, institutionally and culturally. Efforts to change the situation in which Western countries were strong but China was weak and to revitalize China needed to start with cultural criticism and culture renovation. Therefore, the Chinese people turned their eyes to the outside world and learned from Japan, Europe, the USA, and even Soviet Russia. We have always been overwhelmed by stress and anxiety and have had a burning desire to reverse the state of being bullied as a result of underdevelopment, poverty and weakness and to catch up with and surpass the Western powers. In pursuing the more than one-hundred-year-old dream of building a powerful country and reviving China, we have focused on understanding and learning from others, but seldom, if ever, have others learned from and understood us. This has not greatly changed in the course of modernization since China's reform and opening up in 1978. The translation and introduction of many Western works in the 1980s and 1990s are a very good example. This is the history of the Chinese people's understanding of the relationship between China and the rest of the world since the beginning of modern times.

At the same time, in pursuing the dream of turning China into a powerful country and rejuvenating it through material (technological) criticism, institutional criticism and cultural criticism, the Chinese people have struggled to find a path that would make the country prosperous and the people strong while preventing the country from being ruined and the race from being destroyed. This path first represents a thought, a banner and a soul. The key issue has been what kind of thought, banner and soul can save the country, making it prosperous and the people strong. For more than one hundred years, the Chinese people have constantly carried out experiments and attempts amidst humiliation, failure and anxiety. They have experienced failure in adopting advanced Western technology and thought on the basis of safeguarding China's feudal system and practicing a constitutional monarchy after the collapse of the Western capitalist political path and a great setback in worldwide socialism in the early 1990s. The Chinese people ultimately embarked on a path towards a successful

revolution with national independence and liberation; in particular, they have adopted a path leading to the socialist modernization of China—a road towards socialism with Chinese characteristics—by combining the theoretical logic of scientific socialism with the historical logic of China’s social development. After more than 30 years of reform and opening up, China’s socialist market economy has rapidly developed; tremendous achievements have been made in economic, political, cultural and social constructions; comprehensive national strength, cultural soft power and international influence have substantially improved; and a great success has been achieved in socialism with Chinese characteristics. Although the latter project has not yet become full-fledged, its systems and institutions have basically taken shape. After more than one hundred years of pursuing dreams, China is rising among the nations of the world with a greater degree of confidence in the path it has chosen, the theory it has adopted and the institutions it has created.

Meanwhile, we should be aware that given the long-standing cognition and cultural psychology of learning from Western countries, we seldom take the initiative in showcasing ourselves—historical China and current China in reality—to the world, though China has emerged as a great world power. Due to a deeply rooted view that “Western countries are strong and China is weak”, developed through Western-Chinese cultural exchanges, Western people and nations seldom have a sense of Chinese history or the current developments in China, let alone an understanding of China’s developmental path and such in-depth issues as the scientificity and effectiveness of China’s theory and institutions or their unique value for and contributions to human civilization. As self-recognition is not displayed, the “China Collapse Theory”, “China Threat Theory”, “China State Capitalism” and other so-called theories coined by certain people with ulterior motives and differing political views have been widely spread.

During our development, based on “crossing the river by feeling the stones”, we have paid attention to learning from Western countries, understanding the world and learning to know ourselves through Western experience and discourse but have neglected self-recognition and efforts to let others know us. When we strive to become part of the world in a more tolerant and friendly way, we are not objectively, truly understood. Therefore, we should describe the path to the success of socialism with Chinese characteristics, tell Chinese stories, disseminate Chinese experiences, use international expressions to show a real China to the world and help people around the world realize that the Western manner of modernization is not the endpoint of human historical evolution and that socialism with Chinese characteristics is also a valuable treasure of human thought. This is undoubtedly a very important task for an academic cultural researcher with a sense of justice and responsibility.

In this connection, the Chinese Academy of Social Sciences organized its top-notch experts and scholars and several external experts to write the *China Insights* series. This series not only provides an overview of China’s path, theories and institutions but also objectively describes China’s current development in the areas of political institutions, human rights, the rule of law, the economic system, finance, social governance, social security, population policies, values, religious faith, ethnic policies, rural issues, urbanization, industrialization, ecology, ancient civilization,

literature, art, etc., thus depicting China in a way that helps readers visualize these topics.

We hope that this series will help domestic readers more correctly understand the course of the more than 100 years of China's modernization and more rationally look at current difficulties, enhance the urgency for and national confidence in comprehensively intensifying reform, build a consensus on reform and development and gather strength in this regard, as well as deepen foreign readers' understanding of China, thus fostering a better international environment for China's development.

Beijing, China
January 2014

Zhao Jianying

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Chapter 1

The Chinese Dream Is also a Dream of Pursuing Human Rights



1.1 The Chinese Dream and Human Rights in China

The results of the seventh national population census released on May 11, 2021 showed that the total population of mainland China is 1.411 billion, of which the male population is 723 million, accounting for 51.24%, and the female population is 688 million, accounting for 48.76%. The male-to-female ratio is 105.1.

China is now a developing country with a large population. It has a time-honored civilization. During the Tang and Song Dynasties, China was the most prosperous and thriving place in the world. In the modern times, China, as an ancient oriental civilization, was in danger of extinction due to decadent and declining feudal regime and especially repeated invasions of Western powers from 1840 to 1949. The old China was plagued by frequent wars, social instability, a shattered economy, and a destitute populace. Having suffered under the oppression of imperialism, feudalism and bureaucratic capitalism, the people were completely deprived of human rights.

On October 1, 1949, the People's Republic of China was founded. At about 3:00 pm that day, Chairman Mao Zedong, standing on the Tian'anmen Rostrum in Beijing, declared solemnly to the world, "The Central People's Government of the People's Republic of China is born today!" It was a world-shaking declaration in a moment of eternity that marked the Chinese people have arisen!

Under the leadership of the Communist Party of China (CPC), China established the basic socialist system, completed the most extensive and profound social reforms in its history, and laid the fundamental political ground and institutional foundation for developing the human rights endeavors.

The Chinese government and Chinese people began an arduous journey of exploring and building a new China for 30 years from the founding of the PRC to the start of the reform and opening up at the Third Plenary Session of the 11th CPC Central Committee in 1978. The founding of the PRC marked and defended the very and complete liberation of the nation and independence of the state, and also created the fundamental conditions for effective protection and continuous development of the rights of the Chinese people. The PRC then established and consolidated

the political system of people's democracy, unfolded various democratic reforms and social undertakings, built an independent and complete national economic system, promoted economic development, and sent the human rights endeavors into a new historical stage.

The reform and opening up started in 1978 successfully carved out the road of socialism with Chinese characteristics, and greatly liberated and developed the social productive forces. Under the background of economic development and social progress, the people's rights to subsistence and development, as well as other basic rights, have been better and better protected. The human rights endeavors in China developed in leaps and bounds.

On August 22, 2016, *China National Human Development Report 2016* (hereinafter referred to as "the *Report*") that had been prepared by the United Nations Development Programme and the Development Research Center of the State Council for two years was released in Beijing. According to the *Report*, China in the 1980s was in the group of countries with low human development; after 1995 China was classified as having a medium level of human development and finally achieved high-levels human development in 2011 after its HDI exceeded the world average after 2010. Out of 47 countries in the low human development group in 1990, China is the only country that has moved into the high level group.

According to the *Report*, human development in China captures several key indicators such as income, poverty reduction, health, and education, and fast economic growth has played a critical role in promoting human development. Economic reforms since the end of 1970s have eliminated constraints imposed by China's planned economy and have unfettered the country's economic growth potential. China has maintained economic growth at levels of nearly 10% for over 30 years. Rapid income growth has lifted large numbers of China's citizens out of poverty, improving material standards of living and offering more choices and opportunities to millions of people. China also achieved universal compulsory education and basically provided universal access to schooling. Equality of compulsory education has been greatly enhanced. China's health indicators have continued to improve since the 1980s. The average life expectancy increased from 67.9 in 1981 to 74.8 in 2010, well above the world average life expectancy of 70.

Why is this largest developing country able to grow fastest in the world? Its growth is reflected in the "development of humans" and progress in the protection of human rights, something that can be described as "dramatic changes".

Since the 18th National Congress of the CPC in 2012, China has been running on the fast track and accounts for about one third of the world economic growth as the second largest economy. Along with all-round reform and opening up and a comprehensive agenda for promoting the rule of law, China has ushered in a new development stage.

Through persistent and continuous efforts, China had lifted 98.99 million impoverished rural residents and removed 832 impoverished counties and 128,000 villages from the poverty list by the end of 2020, as scheduled and up to the current standard. Overall regional poverty was eliminated. These great achievements in poverty reduction not only rewrite the history of the development of human rights endeavors

in China, but also create a new miracle in the protection of human rights in the world. China achieves the poverty reduction target set forth in the United Nations *2030 Agenda for Sustainable Development* 10 years ahead of schedule, significantly reduces the poor population in the world, and contributes more than 70% to global poverty reduction.

2021 marked the 100th anniversary of the founding of the CPC. On July 1, General Secretary Xi Jinping solemnly declared in Beijing that China has completed the building of a moderately prosperous society in all aspects within its territory and has brought about a historic resolution to the problem of absolute poverty. This is a milestone in the development of the human rights endeavors in China. Being moderately prosperous signifies the advent of a new era of comprehensive protection of human rights.

The transfer of party leadership at the 18th National Congress of the CPC in 2012 laid the foundation for the succession of leaders of state agencies. In March 2013, a new leadership of state agencies with Chairman and General Secretary of the CPC Central Committee Xi Jinping at the core was elected at the 12th National People's Congress. General Secretary Xi Jinping resoundingly set the governance goal of striving to realize "the Chinese dream". On March 17, 2013, in an address at the closing ceremony of the First Session of the 12th National People's Congress, he mentioned "the Chinese dream" nine times. He made a solemn promise to all the Chinese people, "The Chinese dream is, in the final analysis, the dream of the people; so we must rely firmly on them to realize it, and we must steadily deliver benefits to them." He said, "The Chinese dream is the dream of our nation and every Chinese. As long as we close ranks and pursue this common dream with great determination, we can create enormous strength to achieve it and enjoy vast space for each and every one of us to fulfill our own dreams. All the Chinese who live in our great country in this great age share the opportunity to pursue excellence, realize our dreams, and develop ourselves along with our country. With a dream, opportunities and efforts, all beautiful things can be created."

On September 25, 2015, at a press conference together with then U.S. President Barack Obama during his visit in the United States, Chairman Xi Jinping said, "The process in which the Chinese people realize the Chinese dream of the great rejuvenation of the Chinese nation is essentially the process of making social fairness and justice a reality and promoting the development of human rights endeavors continuously."

China's ideal and pursuit of human rights are closely related to "the Chinese dream" proposed by Chairman Xi Jinping. "The Chinese dream" manifests the development ideals of the Chinese people, including a better vision of human rights.

1.2 A Three-Pronged Approach of Rule of Law, Development, and Human Rights

The Chinese culture values holistic thinking. China does not simply pursue human rights in isolation or for their own sake. Instead, human rights endeavors are an integral part of the overall development process of the country, and they are integrated into the overall development path of China.

It can be found from a closer look that China's development path extends through three approaches or in three basic dimensions: the rule of law, development, and human rights. They are complementary and closely related to each other. The development status of any one of them will affect that of the others; they are indispensable parts of an organic whole and constitute a basic framework for comprehensive, balanced, healthy and sustainable development.

1.2.1 Rule of Law

The rule of law is the basic approach to state governance in modern society. It is noteworthy that the Central People's Government officially promulgated the *Marriage Law of the People's Republic of China* (hereinafter referred to as "the *Marriage Law*") shortly after the founding of the PRC on May 1, 1950. The *Marriage Law*, which was the first law promulgated in the PRC, is aimed to liberate women, protect their freedom of marriage, and grant equal status and rights to women and men. In other words, the first law in China was people-oriented and set the scene for showing concern about human rights, especially the rights of women.

As a country with a long history and cultural tradition, it was not easy for China to embrace the modern concept of rule of law, and promoting the rule of law was a process full of twists and turns. Drawing experience and lessons from the past, the *Communique of the Third Plenary Session of the 11th CPC Central Committee* released in December 1978 clearly stated that "The rights of citizens stipulated by the *Constitution* must be resolutely defended and no infringement of them is allowed."

In the *Constitution of the People's Republic of China* promulgated in 1982, "The Fundamental Rights of Citizens" is listed as a chapter after "General Principles" and before "The Structure of the State" to highlight its importance and priority. On March 14, 2004, at the Second Session of the 10th National People's Congress, the new *Amendments to the Constitution* was passed with 2863 affirmative votes. As one of the amendments, "The State respects and preserves human rights" is clearly stipulated in the *Constitution*.

Opposite to the rule of man, the rule of law is the foundation for consolidating social development achievements, including institutional achievements, and for maintaining normal social order. It is the basis and guarantee of democracy. "Rules" are the precondition for "achievements". The rule of law is the foundation of national and social development; only when the country is ruled according to

law, will its stability and sustainable development have rules to follow and can be expected.

On January 24, 2011, Wu Bangguo, then Chairman of the Standing Committee of the National People's Congress, announced in Beijing that a socialist legal system with Chinese characteristics was basically formed. It is an organic integration, with the *Constitution* in the supreme place, the related laws of the *Constitution*, civil and commercial laws, and other laws as the main body, and administrative and local regulations at different levels as the major components. The legislative achievements have laid a solid foundation for the development of the human rights endeavors in China.

Legislative work and its progress are guided by a clear value goal or driven by a core force: to respect and protect human rights. On March 8, 2012, the amendments to the *Criminal Procedure Law* were deliberated at the Fifth Session of the 11th National People's Congress. The amendments put "respect and protect human rights" in Article 1 of the *Criminal Procedure Law* and also improved the rules that illegal evidences are not adopted. It was stipulated for the first time in the law that "It should be strictly prohibited to force anyone to commit self-incrimination", and the lawyer's legal status in the investigation stage was further stipulated clearly. It can be found from the development course of the *Criminal Procedure Law* that the criminal judicial thought in China is evolving from simply focusing on combating crimes to taking into account the protection of human rights.

In the process of fighting against the COVID-19, the first *Civil Code* of the PRC was adopted at the Third Session of the 13th National People's Congress on May 28, 2020, which is a milestone in the rule of law in China. As the first law named after a code in the PRC, *Civil Code* is fundamental in the legal system. As an "encyclopedia of social life", the *Civil Code* is also the basic code for the protection of human rights and has far-reaching influence.

Generally speaking, respecting and protecting human rights is the core value and fundamental goal of the rule of law, because the rule of law is not an end in itself, while people's well-being, social stability, and good governance of the country are. In addition, the rule of law is not water without a source or a castle in the air. It is inseparable from the support of economic foundation, social culture and the awareness of the rule of law. The building of the rule of law must adapt to the level of social development. The building of the rule of law in China is and will be based on the national conditions to promote people-oriented development in all respects and advance the human rights endeavors better and faster.

1.2.2 Development

China's socialist economic construction has moved forward with twists and turns for years. Over the past 40 years of reform and opening up, China has made remarkable achievements in the construction of socialist market economy. With rapid economic development, China becomes the second largest economy in the world.

What is the foothold and goal of China's development path? As far as human rights are concerned, China's point of view is that the rights to subsistence and development are the primary human rights and the basis for entitlement to other human rights. Without the rights to subsistence and development, all other human rights would be out of the question. This is a basic conclusion that the Chinese people draws on the issue of human rights based on history and national conditions. It is also regarded as an important view with universal significance and value in the international community.

The important role of economic construction in providing adequate food and clothing for hundreds of millions of people is clear-cut and self-evident. Therefore, taking economic construction as the central task has long been the essence of China's development policy since the start of the reform and opening up. At the 16th National Congress of the CPC in 2002, "a three-pronged approach" of socialist economic construction, political construction and cultural construction was proposed as a new task. At the 17th National Congress of the CPC in 2007, it evolved into "a four-pronged approach" of economic, political, cultural and social progress as a general arrangement that highlighted the importance of social construction more than ever. At the 18th National Congress of the CPC in 2012, "a five-pronged approach" of economic, political, cultural, social and ecological progress was officially proposed as a new concept of comprehensive and scientific development. In his report at the 19th National Congress of the CPC in 2017, General Secretary Xi Jinping stated that development is the underpinning and the key for solving all our country's problems; our development must be sound development. We must pursue with firmness of purpose the vision of innovative, coordinated, green, and open development that is for everyone. China's development pattern and concept embodies a people-oriented scientific outlook on development which supersedes the narrow-minded pursuit of material growth, the neglect of spiritual progress and social fairness and justice, and ignorance of environmental and resource protection. In particular, it refrains from the misconception of "seeing only material factors to the neglect of human ones". Development depends on the people, serves the people, and benefits the people.

What is the goal of the human rights endeavors in China? In the introduction part of the *National Human Rights Action Plan of China (2012–2015)* released by the State Council Information Office on June 11, 2012, under the authorization of the State Council, the guidelines for formulating and implementing the *Action Plan* were stated as follows: "The Chinese government combines its human rights endeavors with economic, political, cultural, social and ecological construction. To satisfy the aspirations of its people of all ethnic groups for living a better life, it continuously prioritizes people's rights to subsistence and development, vigorously safeguards and improves people's livelihood, spares no efforts to solve the rights and interests of the utmost, immediate and realistic concern to the people, practically safeguards the citizens' economic, political, social and cultural rights and promotes social equity and harmony, so as to ensure that every member of society lives a happier and more dignified life."

Development relies on the protection of the rule of law and provides the foundation and conditions for its progress. Since the 18th National Congress of the CPC, the

building of the rule of law in China has been put on the agenda as a more noteworthy priority. “A comprehensive agenda for promoting the rule of law” became a theme at the Fourth Plenary Session of the 18th CPC Central Committee for the first time after the reform and opening up. In November 2020, the CPC convened the first central conference on work related to comprehensively implementing the rule of law and established the “Xi Jinping Thought on the Rule of Law”. On the basis of adhering to the rule of law, the basic logic of China’s development path is that development is the absolute principle but it is also people-oriented and people-centered.

1.2.3 Human Rights

“All roads lead to Rome.” Human rights are the common goal for all countries in the world. However, there is no universally applicable model for realizing human rights.

The Chinese dream, including the dream of development and the dream of human rights, is closely related to the national conditions, development path, and development model of China, and has distinct Chinese characteristics. The realization of the Chinese dream is essentially to better protect the basic rights of the people and promote the development of the human rights endeavors in all respects.

In April 2009, China promulgated the first *National Human Rights Action Plan of China (2009–2010)*. It is stated in the introduction part that “By putting people first, the Chinese government makes sure the constitutional principle that ‘the State respects and protects the human rights of its citizens’ is implemented. While respecting the universal principles of human rights, the Chinese government, in the light of the basic realities of China, gives priority to the protection of the people’s rights to subsistence and development, and lawfully guarantees the rights of all members of society to equal participation and development on the basis of facilitating sound and rapid economic and social development.” The first fundamental principle that the plan is framed on is that “In pursuit of the basic principles prescribed in the *Constitution* of China, and the essentials of the *Universal Declaration of Human Rights* and international covenants on human rights, the plan is aimed at improving laws and regulations upholding human rights and advancing the cause of China’s human rights in accordance with the law.”

On September 9, 2021, the State Council Information Office released the *National Human Rights Action Plan of China (2021–2025)*, which was the fourth edition of its kind in China. As indicated in the introduction part, the basic principles in formulating and implementing the *Action Plan* are: pushing forward the work according to law to incorporate the development of human rights into the legal framework; pushing forward the work comprehensively to promote all-round and balanced development of all human rights; pushing forward the work practically to integrate the general principles of human rights with the real conditions in China; pushing forward the work under the principle of equality to fully guarantee all social members’ rights to equal participation and development; pushing forward the work jointly to pool the efforts of governments, enterprises, public institutions, and social organizations;

pushing forward the work intelligently to tap the potential of digital technology in expanding the free and well-rounded development of every person.

The rule of law, development, and human rights are the basic dimensions of China's development path and constitute the basic "three-pronged" development model of China. Today, based on the civilization heritage that has been passed down for thousands of years and respecting the reality that China is a developing country with a large population, China and the Chinese people are unswervingly committed to realizing the great Chinese dream of national rejuvenation by completing the main tasks of implementing the rule of law, pursuing scientific development, and protecting human rights. They are making progress in economic and social development, and will surely contribute to the peace, development, and human rights endeavors in the world.

1.3 Basic Experience from China's Road to Human Rights Development

On February 25, 2022, the Political Bureau of the CPC Central Committee organized the thirty-seventh group study on China's road to human rights development. When presiding over the study, General Secretary Xi Jinping stated that China, in the practice of promoting the development of human rights endeavors, combines the Marxist outlook on human rights with its specific realities and excellent traditional culture, draws the successful experience of the CPC in leading the people to respect and protect human rights, learns from the remarkable achievements of human civilization, and embarks on a road to human rights development that conforms to the trend of the times and adapts to its national conditions. In retrospect and summary from a practical point of view, guided by the contemporary Chinese outlook on human rights, China's road to human rights development shows six basic characteristics over the past 40 years of reform and opening up, especially since the 18th National Congress of the CPC.

The first characteristic is adhering to the leadership of the CPC. The CPC is the trailblazer of the human rights endeavors in China. To understand the contemporary Chinese outlook on human rights, we must first understand the original aspiration and mission of the Party. The Party has never shaken its original aspiration and mission of seeking happiness for the Chinese people and rejuvenation of the Chinese nation. Throughout the centenary history of struggle, the Party has made unremitting efforts to unite and lead the people to fight for, respect, protect, and develop human rights. The leadership of the CPC and the socialist system of China determine the socialist nature of the human rights endeavors and the ability of China to let the people be the masters of the country, persist in ensuring equal access to and sharing of human rights, promote the development of human rights of different kinds and in all respects, and continuously realize, maintain, and develop the fundamental interests of the overwhelming majority of the people.

The second characteristic is upholding the primacy of the people. What are human rights? Whose human rights are protected? General Secretary Xi Jinping states straightforwardly that living a happy life is the ultimate human right for people. Affinity to the people is the best defining feature of China's road to human rights development and mirrors China's people-centered outlook on human rights. China protects the democratic rights of the people, fully unleashes the people's enthusiasm, initiative and creativity, lets the people become the main participants, contributors and beneficiaries of human rights development, ensures the dialectical unity of individual and collective human rights, and effectively promotes more obvious substantive progress in the well-rounded development of people and prosperity for all. China has brought about a historic resolution to the problem of absolute poverty, which is a successful experience and typical example of the people-centered outlook on human rights held by this large developing country.

The third characteristic is always respecting the realities of China. Is there a fixed model for human rights development? Is there a one-size-fits-all formula? China integrates the principle of universality of human rights with its national conditions, promotes human rights development based on its national conditions and people's requirements, and ensures that the people have access to extensive, full, true, specific, and effective human rights according to law. Instead of treating human rights as a dogma or slogan or simply imitating the economic and political development models of other countries, China independently determines its development goal, path and method based on its realities. It turns out that the Chinese people, under the leadership of the CPC, have got rid of poverty and backwardness and live a better life by leveraging their wisdom and through hard work and sweat.

The fourth characteristic is focusing on the rights to subsistence and development as the primary fundamental human rights. Marxists believe that human rights are historical, concrete and realistic, and talking about human rights in abstraction from the social and political conditions and the historical and cultural traditions of different countries will not work. Subsistence is the foundation of all human rights, and development is the key to solving all problems. In full and faithful implementation of the new development philosophy, China has embarked on an extraordinary road from providing adequate food and clothing for the people to building a moderately prosperous society in all respects. Focusing on the rights to subsistence and development as the primary fundamental human rights captures the essence and key issues of China's development. Now, China is committed to protecting the right to subsistence and development at a higher and better level, and on this basis allowing for all human rights and developing human rights endeavors in all respects.

The fifth characteristic is protecting human rights according to law. The rule of law embodies the law of governance in human society, and protecting human rights according to law is a test to the governance level and ability of a country. Guaranteeing the protection of human rights through the rule of law is a defining feature of the contemporary Chinese outlook on human rights. China upholds the Party's leadership, the people's status as masters of the country, and the rule of law, and building a law-based and safe China becomes a unique oriental practice in guaranteeing the legal protection of human rights. China upholds the principle that all are

equal before the law and opposes privileges and corruption of power; China upholds law-based, democratic and scientific legislation; China upholds compassionate care in legal work while taking into account the unity of national law and mercy; China upholds the integration of the rule of law with the rule by virtue and promotes social harmony by making use of the comprehensive advantages of a plural dispute prevention and resolution mechanism in the construction of social governance system and governance capacity; China upholds the combination of new scientific and technological development with judicial innovation and achieves leapfrog development beyond developed countries in promoting transparent justice and improving judicial efficiency and service level.

The sixth characteristic is actively participating in global human rights governance. China's solution and contribution to global governance are important features of the contemporary Chinese outlook on human rights. Human rights of a country should not be measured by the standards of other countries or by double standards, and human rights should not be used as a political tool to interfere the internal affairs of other countries. China advocates constructive dialogue and cooperation on the basis of equality and mutual respect, insists on promoting development through cooperation and promoting human rights through development, and contributes to the healthy development of human rights endeavors in the world. With accelerating great changes unseen in a century, China seizes the momentum to promote the common values of peace, development, fairness, justice, democracy and freedom for all mankind, to implement true multilateralism, to actively participate in the reform and construction of the global governance system that includes human rights, and to contribute to the building of a community with a shared future for mankind.

These characteristics of China's road to human rights development are also valuable experience gained in the practice of advancing the human rights endeavors in China, and they fully reflect the basic understanding of a series of important issues, including "what are human rights", "who are entitled to the human rights", and "how does China truly and effectively promote and realize human rights at home and abroad". This basic understanding is summarized as the contemporary Chinese outlook on human rights. By pursuing, carrying forward, and developing the contemporary Chinese outlook on human rights, China is bound to make progress in the development of human rights endeavors.

To sum up, the protection of human rights and the construction of the rule of law cannot be accomplished in one action or done once and for all. Instead, they require enduring and unrelenting efforts. The Chinese government and people are working towards these two goals with great wisdom, strength and innovative spirit. With solid progress being made in the construction of socialist democracy and the rule of law, China is heading for a new stage with comprehensive and rapid development of the human rights endeavors.

Chapter 2

Economic, Social and Cultural Rights



2.1 Protecting the Rights to Subsistence and Development with Chinese Characteristics

2.1.1 *The Rights to Subsistence and Development as the Primary Human Rights*

China is a socialist country. At the international level, socialist countries always attach importance to economic, social and cultural rights. In contrast, Western capitalist countries are always concerned about and emphasize civil and political rights. In recent years, developing countries have actively pushed economic, social and cultural rights onto the international agenda, and most Western countries such as Western and Northern Europe have also taken economic, social and cultural rights more seriously. However, the United States still “obstinately” refuses to ratify the United Nations *International Covenant on Economic, Social and Cultural Rights* and sticks to a single and incomplete outlook on human rights in practice that simply emphasizes civil and political rights.

China’s economy develops rapidly, and meanwhile China has formed a more comprehensive perception of development that goes beyond the scope of economy. On this basis, China embraces more implications for the protection of economic, social and cultural rights and has made remarkable achievements in this regard.

On October 27, 1997, the Chinese government signed the *International Covenant on Economic, Social and Cultural Rights*. With a serious and responsible attitude, the Standing Committee of the National People’s Congress reviewed the proposal of the State Council to ratify the *Covenant* in June 1998, October 2000, and February 2001. During this period, it also organized various departments and relevant academic institutions to study the proposal deeply and carefully. On February 28, 2001, the *International Covenant on Economic, Social and Cultural Rights* was officially ratified at the 20th Meeting of the Standing Committee of the 9th National People’s

Congress. The Chinese government deposited the instrument of ratification to the United Nations on March 27, 2001.

Despite the same international standards, the priorities and directions of the agendas in terms of promoting human rights vary from country to country. China places special emphasis on the rights to subsistence and development. On November 1, 1991, the State Council Information Office released the first white paper on *Human Rights in China*, which, considering the history and national conditions of China, stated for the first time that “The rights to subsistence and development are the foremost human rights of the Chinese people.”

The rights to subsistence and development are “umbrella rights” which are dynamic and inclusive. They cannot be simply interpreted as low-level economic and social rights, because they actually encompass comprehensive human rights, including economic, social and cultural rights, as well as civil and political rights, but they also highlight the unique perspective and historical characteristics of developing countries in realizing human rights. As it develops to a higher level, China is working to protect and realize more inclusive rights to subsistence and development at a higher level and to a higher standard. In order to promote their narrative of human rights and political concept and system, some Western developed countries are reluctant to acknowledge or discuss about the right to development, and the United States even denies the legal nature of this right to the extreme. The *Declaration on the Right to Development* adopted at the UN General Assembly in 1986 acknowledged that the right to development is an inalienable human right. Since then, the UN has been persisted in promoting the realization of the right to development.

It would be easy to understand the implication of human rights and the basic path to realizing human rights if the rights to subsistence and development are discussed under the context of economic, social and cultural rights. The rights to basic living standards, social security, work, education, and health are very fundamental to the survival and development of individuals or groups. Conversely, only when individuals or groups are allowed to survive and develop normally and decently, can they have access to human rights and the purpose and goal of human rights standards can be realized. Therefore, the outlook on human rights with Chinese characteristics emphasizes that the rights to subsistence and development be the primary fundamental human rights. This is a scientific outlook, and it is particularly in line with the unique need of Chinese society as a developing country for moving from poverty to prosperity.

2.1.2 Historic Achievements in Poverty Reduction

The status of the rights to subsistence and development as the primary human rights in the outlook on human rights with Chinese characteristics is best illustrated in China’s emphasis on poverty reduction. In February 2021, General Secretary Xi Jinping solemnly announced at the National Conference to Review the Fight Against Poverty and Commend Individuals and Groups Involved that China has scored a complete

victory in its fight against poverty. China has lifted 98.99 million impoverished rural residents and removed 832 impoverished counties and 128,000 villages from the poverty list. The complete victory realized the historic dream of the Chinese nation to eradicate absolute poverty and brought about a miracle in humanity's history of poverty reduction.

China's achievements in poverty reduction signify the success of the "people-centered" concept of human rights development. It is clearly stated in the *Constitution of the Communist Party of China* that "The Communist Party of China represents the fundamental interests of the overwhelming majority of the Chinese people." In particular, "It must gradually eliminate poverty and achieve common prosperity." The CPC and the Chinese government seek happiness for the people, make the desires and worries of the people their own, and always put the disadvantaged people in mind. Since the founding of the PRC and especially the reform and opening up, the CPC has led the Chinese people through a fight against poverty and has historically eradicated absolute poverty and overall regional poverty. China has truly lived up to the principle and spirit of the United Nations *2030 Agenda for Sustainable Development* to "leave no one behind in the development course".

China's achievements in poverty reduction signify the success of the socialist outlook on human rights with Chinese characteristics that regards the rights to subsistence and development as the primary human rights. As a developing country with a large population, China makes a scientific judgment of regarding the rights to subsistence and development as the primary human rights based on its own national conditions and specific history and with consideration to its development stage, level and tasks. This judgment reflects the unique perspective and historical characteristics of developing countries in realizing human rights. Eliminating poverty, attaching importance to people's livelihood, and achieving common prosperity are the essential requirements of socialism. Through unremitting efforts and hard work, the CPC has led the Chinese people to successfully make a historic breakthrough in the protection of the rights to subsistence and development, and it will continue to advance and protect these rights at a new and higher level.

China's achievements in poverty reduction signify the success of promoting the development of human rights endeavors in all respects. The poverty reduction undertakings in China are a systematic project that combines policies with laws, that is led by the government and participated by all walks of life in the entire society, and that focuses on capacity building and long-term development. With the success of poverty reduction undertakings, the foundation of grassroots governance is continuously consolidated, and conscientious law and good governance are pursued and realized. The universal access to and improvement in education, the popularization and transformation of technological achievements, the advancement of community-level democratic self-governance, and the public participation in social policy making are widely and actively promoted in different urban and rural places. The success of poverty reduction is not achieved overnight, and nor is it a single breakthrough made by simply providing adequate food, clothing, shelter and transportation. Instead, it is a landmark accomplishment of enduring efforts to promote economic development, social progress and human rights endeavors.

China's achievements in poverty reduction highlight the practical progress in its human rights endeavors. China not only writes "The State respects and protects human rights" into the *Constitution*, but also attaches importance to providing economic and social support to make it happen. Since holistic thinking is a defining feature of the Chinese culture, China does not isolate human rights in abstraction, but continuously advances human rights through development practice in the specific historical development stage and based on its specific national conditions. On the basis of economic development and social progress and relying on the guarantee of the rule of law in all respects, China wages a real fight against poverty. Living a happy life is the ultimate human right, and people's satisfaction is an important measure. The fight is waged to effectively improve the people's sense of happiness, fulfillment, and security.

China's achievements in poverty reduction are of global significance. United Nations Secretary-General Antonio Guterres hailed China's poverty reduction as "the most beautiful story". China's extraordinary achievements in poverty reduction are a reason for hope and inspiration for the entire community of nations. Former Japanese Prime Minister Yukio Hatoyama also commented that China's achievements in poverty alleviation have a demonstrative effect on the world and are a great encouragement to the people of the world. The international community has been calling for promoting and protecting human rights through poverty reduction, and China's elimination of poverty eradication is a contribution to the cause of poverty reduction in the world. At the same time, China's experience is more inspiring to other developing countries as they are in the similar development stage. China's successful model of poverty reduction has Chinese characteristics and is essentially consistent with the goals and ideas of the United Nations *Agenda for Sustainable Development*. Therefore, China's practical experience belongs not only to itself but also to the world.

China insists on promoting development through cooperation and promoting human rights through development, and it is engaged in exchanges and cooperation in various fields of human rights, including poverty reduction, on the basis of equality and mutual respect. Different from some Western developed countries which politicize human rights issues and raise political confrontation at will, China's proposition and practice are more affirmed and supported by the international community, especially the majority of developing countries.

2.2 Putting People and Their Lives and Health First

Since the outbreak of the COVID-19, China has insisted on the principle of putting people and their lives first and shown its firm conviction in protecting people's right to life and health. Through great efforts, it has made remarkable achievements and stood a major historic test.

2.2.1 China Insists on Putting the Rights to Life and Health First Under the Context of a Major Epidemic

China quickly sequenced the genome of the virus behind COVID-19 and shared the result with the international community, paving the way for other countries to understand the virus and prevent the epidemic. This is a valuable contribution in the history of epidemics discovery in the world.

From Wuhan, Hubei, to other provinces across the country, China's response to the epidemic is exemplary—under the leadership of the government, multiple parties are rapidly mobilized to cooperate and unite as one in the fight against the epidemic. This is a manifestation of the people-centered outlook on human rights. Respecting and protecting the rights of citizens to life and health are always the governance philosophy of the CPC. In the *Development of China's Public Health as an Essential Element of Human Rights* released by the State Council Information Office early on September 29, 2017, it is stated that "Health is a precondition for the survival of humanity and the development of human society. The right to health is a basic human right rich in connotations. It is the guarantee for a life with dignity. Everyone is entitled to the highest standard of health, equally available and accessible." This white paper is in line and highly consistent with the UN *International Covenant on Economic, Social and Cultural Rights* ratified at the 20th Meeting of the Standing Committee of the 9th National People's Congress, in which Paragraph 1 of Article 12 states that "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

In all countries and regardless of any kind of system, the rights to life and health are fundamental human rights, which are acknowledged and protected in the UN *Universal Declaration of Human Rights* and international covenant on human rights. In the fight against the COVID-19, the Chinese government makes every effort to treat confirmed patients and exempts affected individuals from medical expenses. The government and society extend a helping hand to individuals, families and organizations in need. Treating everyone equally and without discrimination is the top priority of protecting human rights in this battle. Special attention is paid to women, children, the elderly, the disabled, and the impoverished in the prevention and control of the epidemic across the country. No infected person, from a 30-h-old baby to a 108-year-old man, is omitted, and not a single soul is given up. Foreigners in China are treated equally. For example, a multilingual 24-h service hotline is available in Guangdong and other places to offer timely aid to infected foreigners in China.

2.2.2 China's Development Achievements Since the Reform and Opening up Lay a Solid Foundation for the Success of the Fight Against the Epidemic and the Protection of Human Rights

COVID-19 not only endangers the safety and well-being of individuals, but also threatens the rights to life and health of families, communities and broader social groups. Given the holistic nature of human rights, when the rights to life and health are threatened, a series of rights and freedoms, including the right to work and education, will be directly affected.

The past 70 years since the founding of the PRC and especially the past 40 years of reform and opening up have witnessed continuous economic development, social progress, and improvement in medical and health services in China. China's successful fight against SARS in 2003 enhanced the social awareness towards the prevention and control of infectious diseases. The government continuously strengthens the capacity and mechanism of disease prevention and control, and effectively increases the protection level of the right to health. A laboratory testing network of disease control institutions has been created at the national, provincial, municipal and county levels. The influenza, poliomyelitis, measles, and encephalitis B laboratories of the Chinese Center for Disease Control and Prevention are reference laboratories of the World Health Organization. On the whole, the great achievements of reform and opening up lay the material, mechanism and capacity foundation for China to defeat the epidemic.

Following the victory over SARS, China stood the severe test of the Ebola hemorrhagic fever epidemic by "imposing strict prevention and control measures for zero imported case" in the country and "winning the battle against Ebola with zero infection" in Africa under the assistance of the Chinese medical team. China also assisted in the prevention and control of yellow fever and Zika virus in Angola and Guyana, during which it accumulated rich experience and made positive contributions to protecting the right of people to health in other countries.

Hit by the sudden outbreak of COVID-19, China quickly moved to a "war footing" thanks to its strength and experience in disease prevention and control and in the construction of medical system, and controlled the spread of the epidemic.

2.2.3 A Science-Based and Law-Based Approach is Adopted to Fight the Epidemic and Effectively Protect Human Rights

A key measure to prevent and control the spread of COVID-19 is isolation. Wearing a mask, maintaining "social distance", and observing home quarantine are important measures. China follows the principle of "early detection, reporting, quarantine and

treatment”, and shares its prevention and control experience with other countries. After a confirmed case is found, an epidemiological investigation is initiated immediately, close contacts are found, and effective measures such as isolation and testing are taken to stop the spread of the infectious disease.

Scientific prevention and control approaches also include attaching importance to the integration of traditional Chinese and Western medicine and making full use of traditional Chinese medicine (TCM) in the fight against the epidemic. When no specific medicine for the COVID-19 is born and available, TCM can quickly bring down the fever and effectively improve specific immunity in patients. It has been proved significantly effective in increasing the cure rate and reducing the mortality rate.

On February 5, 2020, General Secretary Xi Jinping emphasized that people’s lives and health must come first under the centralized and unified leadership of the CPC Central Committee and the CPC Central Committee must make efforts in enhancing legislation, law enforcement, judicial justice, and observation of the law to improve the law-based control and governance ability and to provide a strong legal guarantee for epidemic prevention and control. While responding to the epidemic, China shares information in a timely manner and in accordance with laws and regulations such as the *Law on the Prevention and Treatment of Infectious Diseases*, improves the transparency of government work, protects citizens’ right to know, safeguards the right of the media to publish comprehensive and timely reports, protects citizens’ freedom of speech, and cracks down on rumors according to law. All of this reflects the spirit of human rights combined with the rule of law.

In order to prevent and control the epidemic, China responded quickly to temporarily lock down Wuhan and took a series of epidemic prevention measures across the country. The epidemic is a test to human conscience. China has paid dearly for containing and stopping the spread of the epidemic, but countless lives are saved. United Nations Secretary-General Antonio Guterres said on February 24, 2020 that China took strict prevention and control measures and contributed to all mankind at the sacrifice of normal life.

2.2.4 China Leverages Its Advantages and Undertakes the Responsibility to Effectively Protect Human Rights

During the process of preventing and controlling the COVID-19, China demonstrates efficient national governance and crisis management capability, and shows significant institutional advantages in coping with major challenges. The people across the country are united as one to fight against the epidemic. Fearless and selfless, Chinese medical workers are dedicated to the battle. Resources are allocated from all over the country, and all kinds of medical supplies are transferred from all directions to Hubei and other places in need. A large number of grassroots civil servants, community workers, and volunteers throw themselves to grassroots health control and logistics

services without any complaint. The Chinese at home and abroad are active in lending help by devoting both money and energy. As always, the People's Liberation Army of China, charge ahead when major disasters and dangers strike and play a vital role in protecting people's lives, health and safety in an emergency.

The excellent tradition of altruism and collectivism and the deep devotion to family and country drive the Chinese nation to well observe and implement anti-epidemic measures and make remarkable achievements in this battle. Overseas Chinese also demonstrate this ethos in their contributions to local anti-epidemic actions. On April 14, 2020, Australian Prime Minister Morrison said that it was the Chinese Australian community that actually protected Australia; the Chinese are disciplined, full of collaborative spirit, and active in saving lives, and they should be appreciated by all.

With practical actions, China helps the global fight against the epidemic by sharing its experience in prevention, control, diagnosis and treatment with other countries, running an online knowledge center for the prevention and control of COVID-19 that is open to all countries, and constantly updating and publishing diagnosis and treatment plans and prevention and control plans. China fully carries forward the humanitarian spirit by sending Chinese medical expert teams to some countries and regions. The Chinese government and civil society have shipped urgently needed medical supplies to many affected countries and international organizations. China also actively uses its production capacity to open up the market and export channel of medical supplies in a timely manner. China practices its proposal that vaccines should be provided as international public goods. "China Aid" and "Made in China" guarantee and add momentum to global anti-epidemic endeavors.

The government system and social mechanism for disease prevention and control in China have developed rapidly in recent years, but in practice there is still room for development and improvement. China enjoys a unique institutional advantage in emergency management, social mobilization, scientific research, and the discovery of and response to major epidemics. This advantage provides a strong guarantee for China to successfully deal with various crises, risks and challenges, and also lays a solid foundation for the protection of human rights in China.

2.3 Attaching Importance to People's Livelihood and Protection of Human Rights

In China's political discourse, the people-centered development philosophy can be summarized as "people's livelihood". Putting people's livelihood first means improving people's living standard and quality of life and seeking to enhance every citizen's sense of happiness, fulfillment, and security, on the ground that the rights to subsistence and development of all the people is an overarching priority. Therefore, China's development is reflected not only in the economy and better GDP, but also in the comprehensive guarantee and improvement of the living standards and quality of life for all social members and common people.

2.3.1 China Has Built a Moderately Prosperous Society in All Respects

On July 1, 2021, General Secretary Xi Jinping solemnly declared in Beijing that China has brought about a historic resolution to the problem of absolute poverty and has completed the building of a moderately prosperous society in all aspects within its territory. This is a milestone in the development of the human rights endeavors in China. Being moderately prosperous signifies the advent of a new era of comprehensive protection of human rights. Moreover, China's historic achievements are both a contribution to the human rights endeavors in the world and a great encouragement to the majority of developing countries to follow their own path, achieve sustainable development, and protect the human rights of their people.

The terms “moderate prosperity” were first mentioned in the *Book of Songs*, the earliest collection of poems in ancient China. Based on the realities of China, Deng Xiaoping, the chief architect of China's reform and opening up, coined them in his design of the socialistic modernization goal for China. The 18th National Congress of the CPC charted a blueprint of building a moderately prosperous society in all aspects and put forward more specific requirements, including: doubling the 2010 GDP and per capita income, basically accomplishing industrialization, making China an innovative country, and basically establish the mechanism for promoting balanced development between regions; fully implementing the rule of law as a basic strategy, and basically putting a law-based government in function; basically putting a system of public cultural services in place, and making cultural sector a pillar of the economy; generally achieving equal access to basic public services and modernizing education, and providing social security for all the people; basically completing the establishment of functional zones, and initially establishing a system for recycling resources. To complete the building of a moderately prosperous society in all respects is the first centenary goal set by the CPC and a historic achievement resulting from the reform and opening up. It signifies a new level of Chinese people's well-being.

The year 2020 marked the successful conclusion of the “13th Five-Year Plan”. The five-year plan is a long-term plan for China's national economic and social development. The completion of the “13th Five-Year Plan” marked another milestone in China's development path and laid a solid foundation for formulating and implementing the new “14th Five-Year Plan”. From the outline of the “11th Five-Year Plan”, the protection of human rights has clearly been an important part of this series of documents. China has formulated and implemented four national human rights action plans since April 2009 when the *National Human Rights Action Plan (2009–2020)* was released. China propels its human rights endeavors in parallel with economic development and social progress and sends them into a stage of planned, step-by-step, comprehensive, and rapid development.

2.3.2 The Right to Livelihood is Effectively Protected

In 1978, the GNI per capita of China was only USD 200. In 2019, it rose to USD 10,410, topping USD 10,000 for the first time and higher than the average level of USD 9074 in upper-middle-income countries. Despite the impact of the COVID-19, China's GDP in 2020 and 2021 still topped RMB 100 trillion, with a year-on-year growth rate of 8.1% in 2021. For decades, in the process of building a moderately prosperous society, China has effectively protected the economic, social and cultural rights of the people that are closely related to livelihood.

In building a moderately prosperous society in an all respects, China puts people and their livelihood first. The people are at the center of the philosophy of the CPC. Improving people's lives and well-being is the Party's original intention and ultimate goal as it continues to address their issues of major and immediate concern, and raise their sense of fulfillment, happiness and security. In other words, China is set to become a society that ensures people's access to childcare, education, employment, medical services, elderly care, housing, and social assistance.

First of all, people's lives have been notably improved. Personal incomes have grown steadily, with the average annual per capita disposable income across the country up from RMB 171 in 1978 to RMB 32,189 in 2020. Once their basic need for food and other daily necessities has been satisfied, people begin to pursue better quality of life. Subsistence-based consumption is gradually giving way to a model directed towards greater fulfillment and comfort. Consumption of services such as catering, health care, education, tourism, culture and entertainment has continued to surge, and now represents approximately half of China's per capita consumer spending. As more and more people begin to travel at home and abroad, China has entered the era of mass tourism.

The right to food is an important part of the right to an adequate standard of living. Historically, feeding the Chinese people was always a grave and difficult problem. Since the reform and opening up, China has made rapid progress in agricultural development thanks to the important role of agricultural technology and scientists.

Mr. Yuan Longping, known as "Father of Hybrid Rice" and an academician of the Chinese Academy of Engineering, devoted his life to the research and development of hybrid rice, and created a super hybrid rice technology system that puts China's hybrid rice research at the forefront of the world permanently. He led a team to carry out research on super hybrid rice and achieved the target unit yields of 10.5 tons, 12 tons, 13.5 tons, and 15 tons per hectare on a large-scale demonstration basis. In 2020, this team achieved the annual production target of 1500 kg of paddy per mu. Yuan Longping traveled around the world many times to impart the hybrid rice technology, including a number of African, Asian, and American countries, where hybrid rice was popularized through his efforts. He has made an outstanding contribution to overcoming food shortages and hunger. The rice he cultivated is imprinted on Madagascar's currency. In October 1995, Yuan Longping was awarded the World Food Security and Sustainability Medal by the Food and Agriculture Organization of the United Nations. Yuan Longping passed away in Changsha on

May 22, 2021 at the age of 91. He was mourned by a large number of people who came from all over the country to Changsha spontaneously to pay tribute and say goodbye in touching scenes of condolences.

In 2021, China's total grain output reaches 682.85 billion kg, a record high and above 0.65 trillion kg for seven consecutive years.

Second, the right to employment has been effectively protected. In China, the job market remains stable and the quality of employment is rising. China's employed population rose from 180 million in 1949 to 750 million in 2020. In the past, most working people were farmers. The employment structure has improved to the extent that 47.7% of the workforce are now employed in the tertiary sector, and 61.6% are working in cities; the working-age population, once mostly illiterate and semi-literate, now has an average of 10.8 years of schooling, and a higher-quality workforce is reflected in the fact that the number of skilled workers has reached about 200 million. In 2021, China created 12.69 million new jobs in urban areas, realizing the expected goal of more than 11 million. In the past, people were assigned to jobs. Now they can choose their career freely, based on market needs, or even start their own business. New forms of employment have emerged alongside traditional ones. Individuals can tie their personal values more closely to social demand and national needs. This has further raised their passion for innovation and creativity. The employed have seen their lawful rights and interests protected, their pay increased, and their incomes secured. More and more people can find work from which they can draw happiness and dignity. They are creating a better life with their own hands. China's policy has progressed from one day off to two days off per week and from the "golden week holidays" to paid annual leave. The rights of working people to rest and leisure are better protected.

Third, the right to education has been given due attention. China has evolved from a populous country where a vast majority of people were illiterate or semi-illiterate, through one with significant education resources and a huge workforce, to one with high-quality education and human resources. It has established the world's largest education system that spans preschool, primary, secondary, and higher education, ranking in the upper-middle category worldwide in terms of modern education. According to data released in September 2021, the enrollment rate in preschool education and the coverage rate of affordable preschool education surpassed 84%, the completion rate of nine-year compulsory education exceeded 95%, and senior secondary education is universally available across the country. Enrollment in higher education is surging and the education level now ranks in the upper-middle category worldwide. Vocational and technical education continues to develop. In the past, there was no provision of special education; now people with disabilities are guaranteed equal rights to education.

The construction of a learning system augmented by internet and digital technologies is highly regarded in China. In the early 2020, due to the COVID-19 outbreak, the Ministry of Education urgently developed and constructed the "National Cloud Learning Platform for Primary and Secondary School Education" which provides high-quality resources for thematic education and course teaching. This platform plays an important role in supporting the students through a period of "suspending

classes without stopping learning” during the COVID-19 outbreak and their independent learning at ordinary times, and teachers can also benefit from this platform to improve their classroom teaching. Now, the platform gathers and provides different versions of textbooks and course resources. It is designed with consideration to urban–rural and regional differences in education level for better universality. For example, in the after-school service section, the platform extensively gathers and selects various high-quality after-school service resources, links with the National Museum of China, the China Digital Science and Technology Museum, “Digital Dunhuang”, as well as the online museums of some universities such as Peking University and Tsinghua University. By making full use of modern information technologies such as artificial intelligence, virtual reality, and augmented reality, the platform restores real scenes to the fullest extent, enriches the presentation of resources, and improves the effective use of resources. The entire platform is characterized by abundant resources, openness and expanded capacity, and free of charge.

Fourth, historic achievements have been made in the right to social security. China has established the world’s largest social security system, comprising social insurance, social assistance, social welfare, and support for entitled groups to benefit all. By the end of June 2021, the number of people covered by basic old-age insurance was 1.014 billion; unemployment insurance, 222 million; work-related injury insurance, 274 million; basic medical insurance, more than 1.30 billion. The law provides that maternity insurance covers all employers and employees. China has implemented a national strategy for addressing population ageing, and is developing an old-age service network that coordinates home, community and institutional care, and combines medical care with maintaining good health. Most urban communities have provided home care services available within 15 min, which typically include meal preparation and delivery, medical services, and cleaning. More rural neighborhoods have built elder care facilities such as nursing homes and day care centers.

Fifth, the protection level of the right to health has been significantly increased. The health of the people is the foundation of a moderately prosperous society in all respects. In its early days the PRC was ravaged by disease and plagued by inadequate medical resources, but it is now capable of effective disease prevention and control, and of providing satisfactory medical services to its people. These represent components of a sound medical and health care system with better allocated medical resources, and help to address the problems of difficult and expensive access to medical treatment. As part of its endeavor to ensure accessible, affordable and effective medical services, China has brought drug prices down to reasonable levels and regularly adds common drugs and life-saving drugs to the government’s medical insurance list. In public health, China has steadily risen from an average world rating in the early days of its founding to the front ranks among middle-income countries.

Medical technologies and service capabilities have risen as internet applications boost the sector. On July 13, 2021, the Children’s Hospital of Fudan University (CHFU) put into use the first emergency referral system in the country—a 5G-based neonatal emergency referral platform. An intelligent referral cabin is built in the ambulance, and the vital signs, in-ambulance treatment and other information of sick children are transmitted in real time to the platform of the treatment command

center in the hospital through the 5G network, and the expert team in the backstage can intervene early for evaluation and treatment. This greatly improves the success rate and quality of rescue for children with complex diseases or in critically ill condition. By using the block chain technology, each referral medical institution sets up block chain nodes to ensure that the medical data is safe, tamper-proof and traceable during the referral process of sick children while at the same time making it convenient for treatment experts to view the information. When a critically ill child needs to be referred, the referring hospital will submit an application through the emergency dispatch platform. After the experts of CHFU approve the referral application through evaluation, 120 will send an ambulance to CHFU, which will dispatch its medical staff, with the special equipment of “5G Intelligent Emergency Referral Cabin for Neonates with Complex Diseases or in Critically Ill Condition”, to the referring hospital with the ambulance, so that the sick child is “hospitalized on board”. China’s success in fighting the COVID-19 proves the effectiveness of its medical and health system.

Sixth, the rights to culture and sports have been strongly promoted. By the end of 2020, there had been 3212 public libraries, 618 art galleries, 5788 museums, 3327 cultural centers, 32,825 township comprehensive cultural stations, and more than 575,000 village-level comprehensive cultural service centers across the country. All of the public libraries, cultural centers, cultural stations, and art galleries, as well as more than 90% of the museums, are open to the public for free. The comprehensive population coverage rates of radio broadcasting and TV were 99.4% and 99.6%, respectively. Sports venues covered a total area of 3.10 billion square meters, with a per capita sports area of 2.2 m². There were 60,000 cultural enterprises above designated size across the country. In 2020, the added value of the cultural industry and its related industries accounted for 4.39% of GDP.

In 2008, Beijing successfully held the Summer Olympics, and the centenary Olympic dream came true; in 2022, Beijing once again joined hands with the Olympics and held a streamlined, safe and splendid Winter Olympics in spite of the adverse impact of the COVID-19. Beijing made history as the first city to host both the Summer and Winter Olympic Games. This marks a historic achievement in the development of educational, scientific and cultural undertakings in China.

2.4 The Highly Regarded Environmental Right

Related to basic rights such as the rights to a basic standard of living, health, and work, the right to good ecological environment is also an important basic human right and a salient feature of moderate prosperity in all respects. “Lucid waters and lush mountains are invaluable assets”—this theory raised by General Secretary Xi Jinping has been widely known. China has established the basic national policy of saving resources and protecting the environment, and is vigorously promoting the initiative of building a beautiful China.

First of all, China has formulated and enforced stringent systems for eco-environmental protection. By enacting the strictest *Environmental Protection Law* in its history, and formulating or amending a range of other laws and regulations, it has created a legal framework on the eco-environment. China has established a series of eco-environmental protection systems in areas such as efficient use of resources, conservation and restoration, lifelong accountability for damage, responsibility for and performance evaluation of targets, and central government supervision. The strict system construction in China enhances environmental awareness, promotes development transformation, and delivers ecological environment protection goals. China has implemented the system of “river chiefs”, “lake chiefs”, and “forest chiefs” with clear definition of responsibilities across the country. Environment-related information has become more transparent. A better system has been established for public participation, including decision-making, scrutiny, and reporting on environmental violations.

On March 1, 2021, *Yangtze River Protection Law*, the first law on basin protection in China, was officially promulgated. Guided by this law, local legislative bodies in the Yangtze River Basin on a holistic approach to conserving mountains, rivers, forests, farmlands, lakes, and grasslands, and strengthen the comprehensive governance of the Yangtze River Basin. For example, Yunnan, Guizhou, and Sichuan Provinces explored the joint legislative model of “regulations + joint decision-making” for the protection of Chishui River Basin. The standing committees of provincial people’s congresses reviewed and approved the *Decision on Strengthening the Common Protection of Chishui River Basin*, and deliberated their respective *Regulations on the Protection of Chishui River Basin*. This law also provides experience for the ongoing formulation of another law on the second largest river, *Yellow River Protection Law*, in China.

Law enforcement is equally important. There is a primitive ecological group of 44 camphor trees in Lishui City, Zhejiang Province, and all of them are national second-class key protected plants. The oldest tree is 300 years old, and it is a national first-class ancient tree. Due to the construction of key road projects in March 2019, the owner unit completed the bidding for the transplant of the camphor trees, which was scheduled to finish by the end of April; on April 1, after the People’s Procuratorate of Lishui, Zhejiang Province, received a public report, the chief procurators at the Lishui City level and the Liandu District level led a team to visit the site for a field investigation. The procuratorial organs also invited public activists to participate in handling the case. On April 8, the People’s Procuratorate of Liandu District issued a pre-litigation procuratorial suggestion to the Housing and Urban–Rural Development Bureau of Lishui, urging it to perform its duties according to law and strengthen the approval of transplant and subsequent protection of the ancient trees. At the same time, the procuratorial organs took the initiative to report the case to the Lishui Municipal Government. On July 24, the Lishui Municipal Government finally determined that all of the camphor trees should be retained at the original site and the route of road construction should be adjusted. This change incurred more than RMB 20 million beyond the original budget of the road construction. When the case was concluded, the Lishui Municipal Government established the first “tree

evaluation” system in the country by strengthening the protection of ancient trees and maximizing the win-win of economic development and biodiversity conservation.

Second, China continues the fight to keep the sky blue, the waters clear, and the lands pollution-free. In 2020, in cities at or above prefecture level, 87.0% of the days reached good or excellent air quality; in cities at or above prefecture level that fell short of the national standards, average PM2.5 concentrations decreased by 28.8% from 2015; the proportion of excellent and good-quality surface water reached 83.4%; the target of bringing down the imports of foreign solid waste to zero was achieved as scheduled. China has made strong headway in environmental protection.

Third, China has improved the health and stability of its ecosystems. Prioritizing resource conservation and environmental protection, and letting nature restore itself, the country has protected and managed its mountains, rivers, forests, farmlands, lakes, grasslands and desert with a holistic approach. It has improved its management and inspection systems for nature reserves and eco-environmental protection zones, thereby strengthening eco-environmental security and ensuring its sustainable development. Through wide motivation and four decades of continuous effort, China has turned forestation and greening into a voluntary activity involving the whole of society. Extending its man-made forests to a total area of 1.19 billion mu nationwide, China has the highest growth in forest resources and the largest area of man-made forests in the world. By the end of 2020, it had raised its forest coverage to 23.04% of its land mass and the vegetation coverage of its grasslands to 56.1%, and brought over 50% of its wetland areas under protection. In addition, China has set up a system for eco-environmental protection zones, safeguarding its biodiversity with natural reserves at different levels and of various types now covering 18% of the country’s land mass.

Fourth, China is embracing a green path to development and a green way of life. The whole country has gradually shifted to a path of pursuing green and low-carbon development. It is now moving faster towards a society with a configuration of land use, an industrial structure, a production model, and a way of life that underpin resource conservation and environmental protection. Green sectors are thriving, the transition to green and low-carbon development is accelerating, and economic and social development is advancing in parallel with eco-environmental protection. China tops the world in terms of new energy use and progress in energy conservation. Between 2015 and 2020, its energy consumption per unit of GDP fell by 13.2% and carbon emissions dropped by 18.8%. Through a range of initiatives including the “toilet revolution” in villages, domestic waste disposal and sewage treatment, domestic waste sorting, treatment of black and foul water bodies in cities, and construction of urban parks, green spaces, and greenways, people in both urban and rural settings now live in a cleaner, more comfortable, and more beautiful environment.

The toilet revolution mainly refers to an initiative to renovate toilets in developing countries. Improving toilet sanitation is directly related to people’s health and environmental conditions. Highly concerned about the toilet revolution in the country, General Secretary Xi Jinping once made important instructions. Zhai Xinju,

a villager in Linjia Village, Shikou Town, Dongying District, Dongying City, Shandong Province, shared her experience with the media. In the past, the dry latrine in her house was neither rainproof in summer nor windproof in winter. The space was full of flies, mosquitoes, and unpleasant smell. What's inconvenient was that the young child of the family had to be escorted by an adult when using the toilet. In July 2021, the 215 households in the village had their toilet renovated. The renovated toilet, covered with tiles on the floor and equipped with an aluminum alloy door and an exhaust fan, is clean and hygienic. Flush is done by a pedal, which is very convenient to children and the elderly.

Fifth, China takes the lead in proposing the “carbon peaking and carbon neutrality” goals to actively address climate change and takes on its responsibility as a great power. In December 2015, Chinese Chairman Xi Jinping attended the Paris Conference on Climate Change and delivered an important speech, making a historic contribution to the formulation of the *Paris Agreement*. In September 2016, China ratified the *Paris Agreement* and caused it to come into effect officially on November 4, 2016, with other countries. According to the *Paris Agreement*, all of the parties are required to promise and report their “carbon peaking and carbon neutrality” goals, known as the Intended Nationally Determined Contributions (INDC) to cope with global climate change. At the General Debate of the 75th Session of the United Nations General Assembly on September 22, 2020, Chinese Chairman Xi Jinping solemnly promised that “China will scale up its Intended Nationally Determined Contributions by adopting more vigorous policies and measures. We aim to have CO₂ emissions peak before 2030 and achieve carbon neutrality before 2060.” This means that as the largest developing country in the world, China will deliver the highest reduction in carbon emission intensity in the world and achieve carbon peaking and carbon neutrality in the shortest time in global history.

At the 19th National Congress of the CPC in October 2017, General Secretary Xi Jinping stated that as socialism with Chinese characteristics has entered a new era, the principal contradiction facing Chinese society has evolved. What we now face is the contradiction between unbalanced and inadequate development and the people's ever-growing needs for a better life. This was an important assertion that influenced China's overall and strategic policy decisions. China, where people's happy life is regarded as the ultimate human right, will continue to strengthen the protection of economic, social and cultural rights.

Chapter 3

Civil and Political Rights



3.1 China Values Civil and Political Rights

3.1.1 China Values Civil and Political Rights

When it comes to human rights, it is widely known that China holds the basic stance that the rights to subsistence and development are the primary human rights. There is a misunderstanding that China recognizes the rights to subsistence and development as the primary human rights at the expense of the protection of civil and political rights. In fact, the rights to subsistence and development overlap civil and political rights. The socialist outlook on human rights with Chinese characteristics is comprehensive. Promoting well-rounded human development and human rights endeavors in all respects is China's lasting position on the issue of human rights.

In the introduction part of the *National Human Rights Action Plan of China (2012–2015)*, the Chinese government promises to “practically safeguard the citizens’ economic, political, social and cultural rights and promotes social equity and harmony, so as to ensure that every member of society live a happier and more dignified life”; this part also clarifies a principle in formulating and implementing the *Action Plan* as pushing forward the work comprehensively—“Taking all types of human rights as interdependent and inseparable, the Chinese government determines to promote the coordinated development of economic, social and cultural rights as well as civil and political rights, and the balanced development of individual and collective human rights.” The introduction part of the current *National Human Rights Action Plan of China (2021–2025)* sets forth the principles of “pushing forward the work comprehensively to promote all-round and balanced development of all human rights” and “safeguarding the civil and political rights and promoting effective participation in social affairs, thus laying a sound democratic and legal foundation for well-rounded development of the people.”

3.1.2 China Takes ICCPR Seriously

On December 16, 1966, the *International Covenant on Civil and Political Rights (ICCPR)* was adopted at the 21st Session of the United Nations General Assembly, was open to all countries for signature, ratification and accession, and came into effect on March 23, 1976.

On October 5, 1998, Ambassador Qin Huasun, Permanent Representative of China to the United Nations, signed the *ICCPR* on behalf of the Chinese government at the United Nations Headquarters. Therefore, China is now a signatory of the *ICCPR* but not a contracting party yet. Although it was not a contracting party, the United Kingdom and Portugal, which had ruled Hong Kong and Macao respectively, were contracting parties, so China agreed that *ICCPR* would continue to apply in these two regions according to the *Sino-British Joint Declaration*, the *Sino-Portuguese Joint Declaration*, as well as the *Basic Law of the Hong Kong Special Administrative Region*, and the *Basic Law of the Macao Special Administrative Region*, when China resumed the exercise of sovereignty over Hong Kong and Macao.

Under international law, “signature”, “ratification”, “participation” and “accession” of formal and important treaties are strictly distinguished. “Ratification”, “participation” and “accession” mean the acknowledgement of a country as a contracting party which undertakes and performs stipulated legal obligations under international law; however, “signing” a treaty does not make a country into a contracting party, it simply means that the country is ready to ratify, participate in or accede to the treaty. Generally speaking, signing a treaty means that the text of the treaty has been determined and the countries concerned will respect the basic purpose and principle of the treaty. However, it is still uncertain when they will officially ratify the treaty and whether they have any reservations. Nevertheless, it should be noted that although China is not a contracting party to the *ICCPR*, it has always attached great importance to and made reference to international legal resources in its legislation and legal practice. The *ICCPR* is an important reference for the formulation and revision of the *Criminal Law* and the *Criminal Procedure Law* of the PRC.

With great attention to democracy and the rule of law, China’s top leadership showed a positive attitude on many occasions towards its ratification of the *ICCPR* as soon as possible.

On the afternoon of January 27, 2004, then Chinese Chairman Hu Jintao delivered a speech in the hall of the French National Assembly, saying that the Chinese government would submit a proposal for ratification of the *ICCPR* to the National People’s Congress once conditions permitted.

During his visit to Europe in May 2004, then Chinese Premier Wen Jiabao said that China was committed to ratifying the *ICCPR* as soon as possible.

On September 6, 2005, Luo Gan, then a member of the Standing Committee of the Political Bureau of the CPC Central Committee, said at the 22nd Congress on the Law of the World held in Beijing that the Chinese government was actively studying major issues related to the *ICCPR*, and would go through the legal procedures for ratifying the covenant once conditions permitted.

Due to the importance and complexity of the matters involved in the *ICCPR*, and also because the Chinese government treated the covenant rigorously and seriously, preparations for ratification of the covenant have been underway.

On July 14, 2011, the State Council Information Office released an evaluation report of the *National Human Rights Action Plan of China (2009–2010)*, in which it was specifically mentioned that “China is undergoing a series of legislative and judicial reforms. So far, some of the laws including the *Law on Lawyers* and the *Law on State Compensation* have been revised to pave the way for early ratification of the *ICCPR*.” Shortly afterwards, it was specifically mentioned in the *National Human Rights Action Plan of China (2012–2015)* that “China cherishes the important role played by international instruments on human rights in promoting and protecting human rights” and “China has continued to carry out administrative and judicial reforms and prepare the ground for approval of the *International Covenant on Civil and Political Rights*.”

Much of the *ICCPR* overlaps the *Constitution* of China. Since the reform and opening up, especially in recent years, China has been more and more aligned with the *ICCPR*.

Although China retains the death penalty, it follows the principle of strictly controlling it and employing it with prudence. In recent years, China has taken a series of important measures to reduce the application of death penalty, including improving the evidence system in death penalty cases, reducing the number of crimes subject to the death penalty, and defining the application standard of death penalty and the procedures for handling death penalty cases. In 2012, China revised the *Criminal Procedure Law*, which clearly includes “respecting and protecting human rights”, and it also further improved the procedure for judicial review of death penalty.

It is clearly stipulated in the revised *Criminal Procedure Law* that it should be strictly prohibited to force anyone to commit self-incrimination; the law maintains voluntary confession of a criminal suspect or defendant and improves the rules that illegal evidences are not adopted. The revised *Criminal Procedure Law* and the newly amended judicial interpretations provide a specific system to further protect the defendant’s right to a fair trial.

On November 12, 2013, The *Decision of the Central Committee of the Communist Party of China on Some Major Issues Concerning Comprehensively Deepening Reform* was adopted at the Third Plenary Session of the 18th CPC Central Committee. In the part “Promoting the Rule of Law”, it is clearly stated that “We should improve the judicial system to protect human rights. The state respects and protects human rights... We will improve the mechanism for preventing and correcting wrong cases and the accountability system, prohibit extorting confession by torture, corporal punishment and maltreatment, and strictly implement rules that illegal evidences are not adopted. We will gradually reduce the number of charges that could lead to the death penalty.” In particular, “We will abolish Laojiao, or re-education through labor, improve laws for the punishment and correction of unlawful and criminal acts, and perfect the community correction system.” These statements drew China closer to the *ICCPR*.

According to legal procedures, to ratify an important covenant like the *ICCPR*, a report must first be submitted by the State Council, then approved by the National People's Congress, and finally signed by the Chinese Chairman for publication. It can be expected that the ratification of *ICCPR* will be a milestone in the development course of the rule of law and human rights endeavors in China and will have positive and far-reaching influence.

3.2 Protect the Rights of Citizens in Accordance with Law

3.2.1 *Protect the Personal Rights of Citizens*

The protection of citizens' personal rights is most related to public power authorities, especially law enforcement agencies and judicial agencies, but it is also related to places and institutions of, for example, compulsory medical treatment and compulsory drug rehabilitation. The Chinese government emphasizes standardized law enforcement and judicial actions related to the personal rights of citizens. In particular, it takes measures to strictly prohibit exertion of confession by torture, regulates supervision places and institutions where personal freedom is deprived, and protects the rights of all kinds of persons whose personal freedom is restricted.

On December 28, 2013, the Standing Committee of the National People's Congress passed the decision to lift those who are undergoing re-education through labor (RTL) according to law out of the re-education system and terminate the remaining RTL period of those detained. In 2019, the *Decision on Abolishing the Legal Provisions and System of Detention Education* was passed to abolish the detention education measures for prostitutes and those caught using them. Therefore, the RTL and detention education systems were abolished as they failed to meet the human rights standard of depriving the personal freedom of citizens on the premise of allowing the judicial organ to ensure citizens' entitlement to full and fair trial according to law. This was a milestone in China's legal system history and an important manifestation of China's emphasis on the protection of citizens' rights and the legal protection of human rights.

The *Amendment (XI) to the Criminal Law* changes the detention education measure into the specialized correctional education for a person who is not given a criminal punishment because he or she has not attained the statutory age. The *Community Correction Law* came into effect on July 1, 2020. As of 2020, more than 1.20 million offenders received community correction sentences and the rate of re-offending during community correction was 0.2% for the whole year. The vast majority of offenders returned to society normally after serving the correction sentence.

The Ministry of Public Security has issued a special document to clarify the requirements for recording the whole process of law enforcement, and the people's police are provided with various types of law enforcement recording equipment

to record in detail different steps of law enforcement in handling cases and create a whole-process record chain, including registration of receiving a report, on-site law enforcement, management of site use, investigation and evidence collection during case handling, management of case-related property, and issuance of legal documents. Relevant systems are further improved, and the implementation of administrative coercive measures related to the personal rights of citizens is under supervision.

Judicial supervision over judicial measures and investigative methods that restrict personal freedom is improved. Efforts are strengthened to prevent at source interrogation by torture and illegal collection of evidence, and the mechanism for effective prevention and timely redressing of unjust, false and wrongful convictions is improved. The interrogation of duty-related crime suspects by the people's procuratorate is under synchronized audio and video recording throughout the process. Synchronized audio and video recording is generally made in the whole interrogation process of public security organs when handling major criminal cases.

China is committed to improving the mechanism of consulting lawyers at the stage of investigation. Where the defense lawyer entrusted by a criminal suspect provides written opinions, materials and evidence that prove the suspect's acts do not constitute a crime, arrest is unnecessary, detention is unsuitable or investigation is illegal, the procurator shall state clearly in the relevant written report on investigation and arrest the conditions and reasons for whether or not adopting the lawyer's opinions in the review of arrest opinion.

China strictly implements the system of lifetime responsibility for the quality of case handling and the system of retroactive investigation into accountability for wrongful cases, so that the accountability for law enforcement quality will not be affected by the transfer, resignation, or retirement of case handling personnel.

Public security organs at all levels strictly implement the "four no-exceptions" of the Ministry of Public Security (after criminal suspects are brought to the public security organs, they should be brought directly into the case handling area, undergo personal examination, be kept under the guard of designated personnel, and be monitored and recorded by video without exception). The public security organs generally apply a provincial unified information system for law enforcement in case handling, deepen the intelligent application of such system, and generally strengthen automatic early warning and process control to detect and correct problems such as overdue coercive measures and nonconforming evidence collection in a timely manner.

Greater efforts are made to investigate and punish government functionaries abusing power to illegally detain people or commit other crimes that infringe upon the rights of the person. In 2020 alone, 1421 judicial officers were subjected to investigation of duty-related crimes by procuratorial organs across the country.

Amnesty is a system by which the State grant exemption from or reduction of punishment to specific criminals in accordance with law. It is an internationally accepted humanitarian system of punishment enforcement. The Supreme People's Court seriously implemented the Order of Amnesty signed by Chairman Xi Jinping and the *Decision on Granting Amnesty to Some Convicts* issued by the Standing Committee of the National People's Congress in August 2015. This was the first

amnesty granted since the promulgation and implementation of the current *Constitution* in 1982. The Supreme People's Court required that all the convicts who were eligible for amnesty shall not be omitted and left behind and those who were not eligible shall not be granted amnesty at all. The procedures for handling amnesty cases must be strictly followed. The acceptance and trial of cases and the production and service of legal documents must be rigorous and standardized. All amnesty judgment documents must be publicly released for the supervision of the whole society. The amnesty was carried out smoothly, and 31,527 prisoners were granted amnesty by the end of 2015.

On August 4, 2020, the Jiangxi Provincial Superior People's Court finally declared Zhang Yuhuan innocent due to "unclear facts and insufficient evidence in the original judgment". Zhang Yuhuan, who had been detained for nearly 27 years, regained his freedom and received a massive state compensation made by the Jiangxi Provincial Superior People's Court on October 30. According to the judgment, Zhang Yuhuan received a state compensation of more than RMB 4.96 million, comprising more than RMB 3.39 million for personal freedom deprived by unjust custody for 9778 days and RMB 1.57 million as mental injury solatium. This compensation hit a record high in recent years, and the mental injury solatium accounted for an extremely high proportion. From 2013 to 2017, the people's courts corrected dozens of unjust, false and wrongful convictions in major criminal cases. A series of reforms have been carried out in China to better protect the rights of citizens and effectively reduce such convictions.

3.2.2 *Rights of Detainees*

In 2013, the Ministry of Public Security organized the revision of the *Building Standards for Detention Houses*, and a bed system is implemented in all newly built, renovated and expanded detention houses. The Ministry, together with the National Health and Family Planning Commission, started the construction of medical professionalization and socialization in places under public security supervision, set up medical records for detainees, and assigned daily medical and health work to professional medical institutions. The system for physical examination of detainees upon entry and on a regular basis, notification of rights and obligations in custody, and emergency alarm is strictly implemented, and the system for interrogation and remand of criminal suspects is strictly executed. The systems and working mechanisms of security risk assessment, psychological intervention, and complaint investigation and handling for detainees, and the patrol of detention houses by specially invited supervisors, are continuously improved. A number of systems for protecting the personal rights, property rights and litigation rights of detainees kept in places under public security supervision have been formulated. Generally, psychological counseling rooms for detainees are created in detention houses across the country.

The system of examining and approving the necessity of criminal custody is improved. Where custody is deemed unnecessary or unsuitable due to severe illness,

the criminal suspect or defendant shall be released or the coercive measures be changed. The *Criminal Procedure Rules of the People's Procuratorate* was revised to improve the review system for the necessity of criminal detention. Timely notice should be given to the case handling authorities to review those who suffer from mental diseases or acute infectious diseases, who suffer from the diseases listed in the *Scope of Serious Diseases for Medical Parole*, who may fall into life-threatening circumstances, who lose the ability to take care of themselves, and who are pregnant or have to breast-feed a baby during the detention period. In 2020, 34,324 cases of detention necessity review were accepted during the investigation and trial stages. After review, proposals were raised to the relevant units to change the coercive measures or release the detainees in 24,198 cases.

The *Regulations on the Prevention and Correction of Extended Custody and Pending Cases by the Procuratorial Department of Criminal Execution of the People's Procuratorate (Trial)* is strictly implemented. The procuratorial organ settles and corrects pending cases with extended custody regularly to practically protect the legitimate rights and interests of detainees. In 2019, the pending cases of 367 detainees who had been put in custody for more than 5 years in the investigation and trial stages were inspected on a case-by-case basis, and 189 of them found their case corrected according to law.

In order to protect the rights of detainees, the mechanism to handle detainees' complaints is improved, and channels of right relief are unblocked for them. The supervision and law enforcement activities conducted in places under supervision are subjected to procuratorial tour inspections, with hotline and mailbox for public report set up. Key cases detected are tracked and supervised. Special activities and daily inspections as well as stationed and tour procuratorial inspections are combined. Illegal supervision activities in prisons and detention houses are supervised and corrected, with a correction rate of 98.6%.

China attaches importance to the procedure-based enforcement, medical care, management and supervision of compulsory medical treatment, and protects the rights of those receiving compulsory medical treatment. It promotes the construction of compulsory medical treatment centers and engages in social medical institutions to improve the medical level. Rehabilitation treatment for those subjected to compulsory medical treatment is carried out in strict accordance with the law. The procuratorial organ supervises the handover and enforcement activities of the judicial organ and the public security organ and the admission, medical treatment, supervision, and discharge of compulsory medical institutions according to law. It also provides correction opinions according to law for relevant units if they are found to have committed any illegal acts. From 2016 to 2020, 1724 violations found in the supervision process of compulsory medical treatment were corrected.

The diagnosis and evaluation of drug addicts is improved, and the daily behavior of drug addicts is directly associated with their early termination or extension of compulsory isolation for drug rehabilitation. From 2016 to 2020, a total of 1.327 million drug addicts were ordered to undergo compulsory isolation for drug rehabilitation according to law, and early termination of such drug rehabilitation was granted to

448,129 drug addicts. Specialized medical institutions are set up in drug rehabilitation centers. For education and rehabilitation of drug addicts, social professionals are invited to assist in the psychological treatment of such offenders.

Drug rehabilitation centers are open to the public. Drug addicts are informed of their rights through various means, and more chances are provided for video meetings and online appointments for visits and meetings. Special drug rehabilitation centers or special management teams are set up for women and juveniles. Juvenile drug addicts are provided with access to complete nine-year compulsory education in drug rehabilitation centers. An integrated drug rehabilitation model including treatment, psychological correction, assistance, and employment aid is adopted to provide vocational skills training and employment support for drug addicts.

Human rights issues sometimes hinder China's endeavors to hunt down, repatriate and extradite fugitives. The case of Huang Haiyong, a Chinese citizen of Fujian, is a typical example. During the judicial process of the Inter-American Court of Human Rights in September 2014, three Chinese experts, including the author of this book, made their first appearance as expert witnesses to support a human rights litigation with the international judicial institution, assisting the defendant Peruvian government in responding to the lawsuit. They successfully refuted the claim made by the plaintiff Huang Haiyong that he would face torture or death penalty if extradited back to China. In June 2015, the Court ruled that he could be extradited to China because there was no risk of death penalty or torture. The rule came as an affirmation of the human rights and the rule of law in China by the Inter-American Court on Human Rights. As the first case of the Court that involved state obligations under the framework of extradition, its legal reasoning and conclusion were relevant to itself and the international judicial institutions on human rights in the member states of the Organization of American States and even beyond, including the European Court of Human Rights.

3.2.3 Protect Freedom of Religious Belief in Accordance with Law

According to the *Constitution* and other laws of China, citizens shall enjoy freedom of religious belief. No organization or individual shall coerce citizens to believe in or not to believe in any religion, nor shall they discriminate against citizens who believe in or do not believe in any religion. The *Regulations on Religious Affairs* revised in 2017 brings government's management and services of religious affairs under due procedures in accordance with the law and adds provisions on safeguarding citizens' freedom of religious belief and maintaining religious and social harmony.

From 2016 to 2020, 12 religious schools were approved across the country according to law, bringing the total to 95, including 44 Buddhist schools, 11 Taoist schools, 10 Islamic schools, 9 Catholic schools, and 21 Christian schools, where

more than 20,000 full-time students are studying. They have trained more than 50,000 faculty members.

In terms of external exchanges, the *Administrative Measures on Muslim Pilgrimage-related Affairs* is implemented. The pilgrimage activities of Chinese Muslims organized by the Chinese Islamic Association every year are supported, and pilgrims are supported and helped through the application of certificates, physical examination and vaccination, transportation, entry and exit of the national border, epidemic prevention and control, and medical services.

Over the past 5 years, the religious circle has been active in organizing public welfare and charity activities. The Chinese Islamic circle raised more than RMB 100 million for public welfare and charity activities of helping those in distress, donating money to schools, respecting and caring for the elderly, etc. The National Committee of Three-Self Patriotic Movement of the Protestant Churches in China and China Christian Council donated more than RMB 25 million in cash and in kind. The Chinese Buddhist community participated in the poverty reduction campaign and various social welfare and charitable undertakings.

Many religious institutions and people in the religious circle have made important contributions to social harmony and development. Luohan Temple, located in the urban area of Shifang City, Deyang, is a time-honored temple. On May 12, 2008, the 5.12 Wenchuan Earthquake occurred. On that day, Master Suquan, the abbot of Luohan Temple, agreed to a request that was unbelievable at ordinary times. A temporary delivery room was built at the temple to accommodate pregnant and lying-in women from the damaged Shifang Maternity and Child Care Hospital the first time. Women are usually rejected from the temple. At that time, the meditation room was turned into a delivery room where operations were carried out. From May 12 following the occurrence of the earthquake to the availability of a portable hospital completed on August 7, 108 newborns came to the world here in 87 days. Master Suquan promised “three unconditional measures”: receiving the affected people unconditionally, sharing all the materials of the temple unconditionally, and providing three meals and hot water every day unconditionally. During this special period, in order to provide more nutrition for the pregnant women, the temple also broke the discipline to permit cooking meat and killing chickens. The compassionate spirit of Luohan Temple has been passed down as a legend and widely praised by the society.

3.3 True Democratic Rights that Work

3.3.1 China Attaches Great Importance to the Right to Democracy

Without democracy, there is no socialism. The socialist China attaches great importance to the construction of socialist democracy.

It is stated in the introduction part of the *National Human Rights Action Plan of China (2021–2025)* that the guidelines for formulating and implementing the Action Plan are “staying committed to a people-centered philosophy of development, believing that a happy life for the people is the most important human right; promoting well-rounded development of and common prosperity for all the people as the starting point and ultimate goal of the development of human rights endeavors; developing whole-process people’s democracy, safeguarding social fairness and justice, and resolving the most pressing difficulties and problems which are of great concern to the people; ensuring a higher level of human rights protection for all, so that they will have a stronger sense of fulfillment, happiness and security.” The “whole-process people’s democracy” mentioned in the introduction part is an accurate portrayal of China’s democratic system and practice.

On December 4, 2021, the State Council Information Office released the white paper entitled *China: Democracy That Works*, which systematically expounds China’s notion of democracy. China maintains that democracy is a concrete phenomenon that is constantly evolving. It takes diverse forms and develops along the paths chosen by different peoples. The best way to evaluate whether a country’s political system is democratic and efficient is to observe whether the succession of its leaders is orderly and in line with the law, whether all the people can manage state and social affairs and economic and cultural undertakings in conformity with legal provisions, whether the public can express their requirements without hindrance, whether all sectors can efficiently participate in the country’s political affairs, whether national decision-making can be conducted in a rational and democratic way, whether people of high caliber in all fields can be part of the national leadership and administrative systems through fair competition, whether the governing party is in charge of state affairs in accordance with the *Constitution* and the law, and whether the exercise of power can be kept under effective restraint and supervision.

In China’s opinion, democracy is not a decorative ornament, but an instrument for addressing the issues that concern the people. Whether a country is democratic depends on whether its people are truly the masters of the country; whether the people have the right to vote, and more importantly, the right to participate extensively; whether they have been given verbal promises in elections, and more importantly, how many of these promises are fulfilled after elections; whether there are set political procedures and rules in state systems and laws, and more importantly, whether these systems and laws are truly enforced; whether the rules and procedures for the exercise of power are democratic, and more importantly, whether the exercise of power is genuinely subject to public scrutiny and checks.

Democracy is the right of the people in every country, rather than the prerogative of a few nations. Whether a country is democratic should be judged by its people. China stands ready to contribute its experience and strength to global political progress through exchanges and cooperation with other countries.

3.3.2 *China Cherishes Whole-Process people's Democracy*

The democracy in China is people's democracy, and the people's status as masters of the country is the essence of people's democracy. In China, democratic values and concept are translated into effective institutions and concrete actions. Whole-process people's democracy integrates process-oriented democracy with results-oriented democracy, procedural democracy with substantive democracy, direct democracy with indirect democracy, and people's democracy with the will of the state. It is a model of socialist democracy that covers all aspects of the democratic process and all sectors of society. It is a true democracy that works.

The system of people's congresses is an organizational form of political power adapted to the state system of people's democratic dictatorship. It is the fundamental political system of China and the fundamental approach and highest form of letting the Chinese people be the masters of the country. By the end of 2020, there had been 2.62 million deputies to the National People's Congress, and 94.5% of them came from counties and townships. Over the past few decades, China has revised the *Election Law* progressively. The ratio of each elected urban and rural deputy to the population they represent has changed from 8:1 in the early days of the PRC to 4:1 in 1995 and 1:1 in 2010, and urban and rural residents had equal levels of representation. As the understanding of democracy has grown, so has the number of people participating in elections. Since the reform and opening up, China has conducted 12 town-level and 11 county-level direct elections of deputies to people's congress, and has maintained the voter participation rate at around 90%.

Democratic and scientific legislation is the fundamental requirement on China's legislative work. In late 2021, a symposium participated actively by grassroots sports workers, athletes, and college teachers was held to share opinions on the revised draft of the *Sports Law* at the community-level legislative contact point in Hongqiao Sub-district, Changning District, Shanghai. After the symposium, nearly 50 detailed suggestions were recorded and reported to the top legislative body of the country. Hu Yu'ang, secretary of the Party Working Committee of Hongqiao Sub-district, said, "This vivid practice of 'opening legislation' is exactly an accurate portrayal of the whole-process people's democracy." By October 2021, the grassroots legislative contact points of the Legislative Affairs Committee of the Standing Committee of the 13th National People's Congress had solicited more than 7800 opinions and suggestions from the grassroots on 126 draft laws and annual legislative plans, and more than 2200 of them were adopted to varying degrees.

Whenever a problem occurs, those concerned should always hold deliberations in good faith. China cherishes a harmonious cultural tradition that pursues inclusiveness, harmony, truthseeking, and pragmatism. Every man has a share of responsibility for the fate of his country—China also embraces the traditional spirit of actively participating in public affairs and taking responsibility. Democratic consultation developed in the contemporary society on this basis is a unique form of Chinese democracy. In October 2020, *Outline of the People's Republic of China*

14th Five-Year Plan for National Economic and Social Development and Long-Range Objectives for 2035 was adopted at the Fifth Plenary Session of the 19th CPC Central Committee. The drafting of this document strengthened top-level design and at the same time asked the people for advice. The general public and all sectors of society were encouraged to offer advice and suggestions in various ways for the “14th Five-Year Plan”. General Secretary Xi Jinping presided over symposiums with entrepreneurs, on the topic of solidly promoting the integrated development of the Yangtze River Delta, and with economic and social experts, scientists, grassroots representatives, and experts in the fields of education, culture, health and sports, listening to their opinions and suggestions on the formulation of the “14th Five-Year Plan”. On August 16–29, 2020, opinions were solicit online. The solicitation was well responded by the general public, which left more than one million messages, from which more than 1000 relevant suggestions were summarized. The drafting team analyzed each of the opinions and suggestions and absorbed these contributions as many as possible. 546 opinions and suggestions in different aspects were absorbed, resulting in a total of 366 additions, modifications, and simplifications to the draft. A netizen named “Yunfan” left a suggestion on “mutual-aid elderly care” in response to the “Online Advice Solicitation” for the “14th Five-Year Plan”; this suggestion was included in the document of the Fifth Plenary Session of the 19th CPC Central Committee and finally became specific measures set forth in the *Outline of the “14th Five-Year Plan”*.

In order to transform public opinions into decisions concerning people’s livelihood, a voting system for people’s livelihood projects was implemented in the town-level people’s congress throughout Hunan Province on the basis of past pilot in March 2020. One day, villager Zhou Jibing found that Qinglongchong River, which had flooded the fields with rain right in front of his door, changed its “temperament” and did not cause inundation in spite of several heavy rainstorms during the flood season in 2021. The reason was that the management project of Qinglongchong River won 52 votes from 56 deputies to the town-level people’s congress in early 2020 and became one of the government’s livelihood projects in the year. Flood disaster was controlled after a series of works had been completed in the project, including river dredging, bank line revetment, and greening on both banks. This example shows that the deputies to National People’s Congress are closest helpers to the people and successfully perform their duties in conflict resolution, rural revitalization, and democratic consultation.

In recent years, in response to social concerns and relying on public participation, social scrutiny, and media supervision, China’s fight against corruption has been intensive and effective more than ever. The *Supervision Law* passed in 2018 puts all public officials exercising public power under supervision. This law includes provisions on accepting the supervision of the National People’s Congress, strengthening self-supervision, and the mechanism for cooperation and mutual check between the supervisory organ and the judicial organ, the procuratorial organ, and the law enforcement authorities. No place has been out of bounds, no ground left unturned, and no tolerance shown in the fight against corruption. The CPC and the Chinese government have taken firm actions to “take out tigers” (corrupt senior leaders), “swat flies”

(corrupt grassroots personnel), and “hunt down foxes” (corrupt officials who have fled abroad). The goal of creating a deterrent against corruption has been initially attained; the cage of institutions that prevents corruption has been strengthened; and moral defenses against corruption are in the making. The anti-corruption campaign has built into a crushing tide, and is being consolidated and developed. This also provides a powerful guarantee for democracy and protection of human rights.

Public service platforms that comprise “hotline 12,345”, “Mayor’s Mailbox”, mobile phone clients, Weibo, WeChat and other social media are set up by local governments in China specially for accepting the reports of problems from the public by providing 24/7 manual services. In recent years, the overall connection rate of 12,345 across the country has increased year by year. Through shared responsibility and public supervision, 12,345 improves the government’s service level for the people and safeguards the legitimate rights and interests of the people.

Social organizations in China are increasingly active. Social organizations, foundations, social service agencies and other social organizations play an active part in the governance of social and public affairs, and contribute to industry self-discipline, social services, and philanthropy. By November 2021, there had been more than 900,000 social organizations registered with civil affairs departments at all levels, including 2284 at the national level.

Villagers and urban community residents, by considering their local conditions, discuss and decide on their own rules on self-governance and codes of conduct and self-regulation. They generally maintain self-management, self-service, self-education and self-supervision in grassroots public affairs and public welfare undertakings.

In terms of democratic management in enterprises and public institutions, 3.144 million of the enterprises in which a trade union has been established have set up workers’ congress, 2.938 million or 93.4% of which are non-public enterprises nationwide.

3.4 Continuously Innovative Judicial Protection of Human Rights

The judiciary provides powerful protection of human rights, and it is often the last line of defense. The *Constitution* and the law ensure that courts exercise judicial power independently according to law. Recently, China has been improving the system for recording all officials who interfere in judicial cases and publicly naming violators to hold them accountable. The powers of officials at all levels within judicial organs are clarified; the internal supervision and restriction mechanism is improved; the system for recording and accountability of staff members of judicial organs for intervening judicial cases is improved.

The people’s court continues to promote an adjudication-centered criminal litigation system reform. Institutional guarantee for lawyers’ rights to know, apply and

appeal throughout the course of litigation is enhanced, and their access to criminal suspects or defendants, and rights to review files, collect evidence, raise questions, conduct cross-examinations and debate are ensured. Lawyers are allowed to exercise their rights of defense and procuration in accordance with the law. The mechanism of valuing lawyers' defense and procuration opinions in investigation, prosecution and trial is improved, and the system of listening to their opinions is observed.

China continuously enhances institutional guarantee for the rights of litigants and other parties involved in the lawsuit to know, present views, debate and defense, apply and appeal, and it implements regulations on legal aid prescribed in the *Criminal Procedure Law* and related rules and regulations. A nationwide pilot program for defense lawyers in all criminal cases has been launched. The system of shift counsel is improved, and shift counsels are encouraged to provide a wide range of legal assistance for criminal suspects and defendants. Case-handling agencies are clearly required to provide convenience for shift counsels to perform their duties. From 2018 to 2020, more than 590,000 legal assistance cases benefited from the expanded pilot program of defense lawyers, and more than 480,000 cases benefited from the legal assistance of shift counsels.

In order to protect human dignity and implement the principle of presumption of innocence, China has prohibited defendants who are held in custody or appellants from appearing in court wearing clothing that bear the logo of their organs of custody. In 2016, the Supreme People's Court revised the *Tribunal Rules of the People's Courts*, which clearly stipulates that criminal defendants who are held in custody or appellants shall wear formal or casual clothes instead of clothing that bear the logo of their organs of custody when appearing in court.

The mechanism for fast-track handling is applied to minor criminal cases. The *Criminal Procedure Law* clearly stipulates the application scope, specific details, trial period, and transformation of fast-track trial procedures. In 2020, 224,996 or 25.6% of the cases tried under the leniency system of confession and punishment benefited from the mechanism for fast-track handling.

China has explored and formulated the *Law on Assistance for Victims of Crime* and established a unified, procedure-based relief system for victims of crime. The people's courts have set up judicial relief committees to promote the connection between judicial relief and social relief and legal assistance. From 2016 to 2020, courts across the country handled a total of 205,600 judicial relief cases, of which 37,852 cases were handled in 2020, with 44,350 relief beneficiaries and a total relief amount of RMB 910 million.

China strongly promotes judicial transparency, which has been a highlight of the legal protection for human rights in recent years. The people's courts have built four platforms for the transparency of trial procedures, trial activities, judgment documents, and enforcement information. They are great achievements that China has made as a developing country by using Internet application technology to effectively promote judicial transparency. The construction of these four major platforms has allowed China to overtake many Western developed countries in the level of judicial transparency.

Chinese courts use modern technology to promote fair trials. As an example of judicial innovation, China has established specialized courts of the Internet in Hangzhou, Beijing, and Guangzhou, in order to adapt to the development of the Internet-based business. The construction of “smart courts” is fully promoted across the court system, and IT technologies such as big data and cloud computing are used for standardized management and statistical analysis of various trial information resources. The construction of “Internet + litigation services” is promoted, and judicial services and measures such as online case filing, online mediation, remote court hearing, electronic service, and online information disclosure are provided for the convenience of litigants.

Chapter 4

Rights of Ethnic Minorities



4.1 Regional Ethnic Autonomy as a Basic Political System

4.1.1 *Ethnic Groups in China*

About 3000 ethnic groups live in over 200 countries and regions in today's world. The overwhelming majority of countries are inhabited by multi-ethnic groups. China is a unified multi-ethnic country jointly created by the people of all its ethnic groups.

Since the founding of the PRC in 1949, some 56 ethnic groups have been identified and confirmed by the central government, including the Han, Mongolian, Hui, Tibetan, Uyghur, Miao, Yi, Zhuang, Buyei, Korean, Manchu, etc. The Han ethnic group has the largest population, while the populations of the other 55 ethnic groups are relatively small, and so the latter are customarily referred to as "ethnic minorities".

Since 1949, the total population of the ethnic minorities has been on a constant increase, comprising a rising proportion in China's total population. The national censuses that have been conducted show that the total population of ethnic minorities was 35.32 million in 1953, 6.06% of the total population; it increased to 125.47 million in 2020, 8.89% of the total population. The populations of the ethnic groups vary greatly from one to another. For example, the Zhuang has a population of more than 19.50 million, far more than that of the Tatar, numbering only 3544.

Some of China's ethnic groups inhabit vast areas, while others live in individual compact communities in small areas or live in mixture. In some cases, minority peoples can be found living in compact communities in areas inhabited mainly by Han people, while in other cases the situation is the other way round. Many minority peoples have part of their population living in one or more compact communities and the rest are scattered across the country. China's northwest and southwest are the two regions where minority peoples are most concentrated. As China's economy and society continue to develop, both the scope of minority population distribution and the scattered minority population are growing across the country.

Different from federal states, the CPC and the Chinese government, based on the national conditions and the characteristics of ethnic groups, implement a unitary state

system. Specifically, in terms of ethnic minority policy, China implements a system of regional ethnic autonomy.

4.1.2 The System of Regional Ethnic Autonomy

Since the establishment of the Inner Mongolia Autonomous Region in 1947, China has established 5 autonomous regions, 30 autonomous prefectures, and 120 autonomous counties (banners). Of the 55 ethnic minorities, 44 have established autonomous areas, and more than 70% of the ethnic minority population is under regional autonomy.

Since the founding of the PRC, following the guideline of unity among all ethnic groups for common prosperity and drawing on China's historical experience and the useful practices of other countries, always with a view to China's actual situation, the CPC and the Chinese government have carved out a path for the successful solution to ethnic issues with Chinese characteristics, exercised the ethnic policy featuring equality, unity, regional ethnic autonomy, and common prosperity for all ethnic groups, thus forming a relatively complete ethnic law and policy system.

The system of regional ethnic autonomy is regarded as one of the basic constitutional systems in China, not only because it ensures powerful protection of the rights of ethnic minority citizens and effective implementation of the state's local governance in multi-ethnic areas, but also because it is a state building method for China, a multi-ethnic country, to develop a relationship of equality, unity, mutual assistance, and harmony among all ethnic groups, and to shape a community of Chinese nation comprising people of all ethnic groups.

Both the Preamble and Article IV of the General Principles of the *Constitution of the People's Republic of China* address ethnic issues. Article IV stipulates:

All nationalities in the PRC are equal. The state protects the lawful rights and interests of the minority nationalities and upholds and develops a relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited.

The state assists areas inhabited by minority nationalities in accelerating their economic and cultural development according to the characteristics and needs of the various minority nationalities.

Regional autonomy is practised in areas where people of minority nationalities live in concentrated communities; in these areas organs of self-government are established to exercise the power of autonomy. All national autonomous areas are integral parts of the PRC.

All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.

This is the constitutional law basis for regional ethnic autonomy.

In 1984, the Second Session of the 6th National People's Congress passed the *Law of the People's Republic of China on Regional Ethnic Autonomy*, which is the basic law for China's system of regional ethnic autonomy and also an important legal

basis for the protection of the rights of ethnic minorities that covers ethnic issues in political, economic, cultural and social fields. It defines the relationship between the central government and the ethnic autonomous areas, as well as the relationship among different ethnic groups in ethnic autonomous areas. Its legal effect is not limited to ethnic autonomous areas only; every individual in China and all state organs must abide by and implement this law.

In addition to the *Law on Regional Ethnic Autonomy*, China has also passed separate regulations and regulations on the exercise of autonomy in the ethnic autonomous areas, adapted relevant basic laws of the state (such as the civil law, the criminal law, and the procedural law) to the ethnic autonomous areas, and built a complete system of regional ethnic autonomy. Ethnic minority citizens are legally entitled to the civil rights stipulated in the *Constitution* and the laws of China, and they also enjoy special rights and interests stipulated in the laws and regulations on regional ethnic autonomy.

4.2 Extensive and True Rights of Ethnic Minorities

The protection of the rights of ethnic minorities is an indispensable and important part of the human rights endeavors in China, and it is also a field of human rights that develops rapidly with distinctive Chinese characteristics.

4.2.1 Political Rights

The state protects the political rights of ethnic group citizens. The chairmen and vice chairmen of the standing committees of the people's congresses of all 155 ethnic autonomous areas in China are citizens of the ethnic groups exercising regional autonomy in the areas concerned. The heads of all autonomous regions, autonomous prefectures, autonomous counties and autonomous banners are all citizens of the ethnic groups exercising regional autonomy in the areas concerned.

Ethnic minorities, by electing their deputies to the National People's Congress, exercise their right to manage state affairs. Since the first National People's Congress, the proportion of ethnic minority deputies has been higher than that of the minority population in all previous National People's Congresses. Every ethnic group is represented by their National People's Congress deputies, and ethnic groups with a population of more than one million are represented by members of the Standing Committee of the National People's Congresses.

Among the deputies to the 13th National People's Congress, 438 were representatives of ethnic minorities, accounting for 14.7%; among the members of the 13th National Committee of the Chinese People's Political Consultative Conference (CPPCC), 244 were members of ethnic minorities, accounting for 11.3%.

4.2.2 *Economic Rights*

China protects the right of ethnic minorities to economic development. On the one hand, China emphasizes the full and effective exercise of the autonomy in the ethnic autonomous areas; on the other hand, it also emphasizes support to the ethnic autonomous areas, including the support and assistance provided by economically developed provinces to less developed ethnic areas under the unified organization and coordination of the state. The *Law on Regional Ethnic Autonomy* clearly stipulates the legal obligation for higher-level state organs to support and help ethnic autonomous areas to accelerate development.

From 2016 to 2020, the central government allocated a special poverty reduction fund of RMB 30.40 billion (for expenditure on the development of ethnic minorities) to strongly supported the economic development of ethnic areas. During this period, the poverty-stricken population of the Inner Mongolia Autonomous Region, Guangxi Zhuang Autonomous Region, Tibet Autonomous Region, Ningxia Hui Autonomous Region, Xinjiang Uygur Autonomous Region and the three multi-ethnic provinces of Guizhou, Yunnan and Qinghai was reduced by 15.60 million. All 28 ethnic minorities with small populations were completely lifted out of poverty, and all 420 impoverished counties in the ethnic autonomous areas were removed from the poverty list. In 2019, both the direct mail accessibility rate of administrative villages and the coverage rate of express delivery outlets in townships reached 100% in the eight ethnic provinces and autonomous regions. By 2020, the total mileage of the highway network reached 1.2398 million kilometers, the mileage of expressways reached 38,000 km, the mileage of second-class and above highways reached 149,000 km, and the grades of the road networks were further optimized in these areas. In terms of optical fiber and 4G coverage, by July 2020, more than 98% of the administrative villages and all of the autonomous counties in the five autonomous regions had access to optical fiber and 4G network. All the autonomous prefectures were built into “cities of optical fiber and network”. By then, the last group of people who had been left without electricity finally had effective access to power supply.

Take Tibet as an example. The 435 km-long Lhasa-Linzhi Railway was opened to traffic on June 25, 2021, realizing rapid transportation between the two cities. In the same year, the Lhasa-Naqu Expressway was also opened to traffic, and the highway accessibility rate of rural areas in the two cities reached 100% and 99.96%, respectively; 19 air routes were added, and the T3 terminal of Gongga Airport was put into operation. In the same year, 3083 new 5G base stations and optical cable lines of nearly 280,000 km were built. The construction of transportation and communication infrastructure facilitates the mobility of the people, drives employment and entrepreneurship, and promotes economic development. On this basis, the government of the Tibet Autonomous Region invests more than 70% of its financial resources to people’s livelihood every year, favoring farming and pastoral areas and disadvantaged groups. 2021 witnessed historically high harvests of highland barley, vegetables, meat and milk across the region. The per capita disposable income of

rural residents in the region was RMB 16,935, a year-on-year increase of 16%, which was 5.5% higher than the national average.

In addition to the state's strong support to the economic development of ethnic areas, the solidarity and mutual assistance among people of all ethnic groups further promotes the integration and development of different nationalities. In 1991, You Liangying, aged 21, began to settle down in Xinjiang when she came here to seek shelter with her relatives from Chongqing. She traveled hundreds of kilometers of desert to kindly help thousands of ethnic people learn advanced cotton and fruit planting techniques and get rid of poverty. For more than ten years, she has selflessly helped Memeturoop Musak, a farmer in Pishan County, Hotan prefecture, and Memeturoop Musak pass on the kindness by contributing to the society. Their story has become a much told tale.

4.2.3 *The Right to Religious Freedom*

From 2016 to 2020, religious classics were translated and published in multiple languages in China, including 1.76 million copies of the *Quran* and *Selections from Al-Sahih Muhammad Ibn-Ismail al-Bukhari* in four languages alone, namely Chinese, Uyghur, Kazakh and Kirgiz.

Ten Islamic schools have been built in Xinjiang, including Xinjiang Islamic Institute and Islamic Scripture College of Xinjiang. They have been expanding their enrollment and enroll postgraduates, training a new generation of nearly 1000 clergymen every year. Buddhist associations operate in Tibet Autonomous Region and its seven prefectures and cities. A number of Tibetan-language Buddhist institutes have been built nationwide and operate with 1950 students. A three-level academic title system has been established for Tibetan Buddhism, and 273 people have been awarded the senior title of "Tuoranba" (senior erudite and wise man). The Christian community improves the construction level of seminaries and holds a number of training courses for in-service clergymen, such as the "Training Course for Bilingual Preachers of Ethnic Minority Churches".

From March 30 to April 2, 2021, a delegation consisting of Vladimir Norov, Secretary-General of the Shanghai Cooperation Organization, and more than 30 envoys and diplomats from relevant countries in China, visited Xinjiang. Pakistani Ambassador to China Moin Haque said in an interview with the media after the visit, "Xinjiang protects the normal religious activities and religious needs of believers according to law. Mosques are well-equipped and highly friendly to the believers. I think that's something which many people in the outside don't understand and they keep making this propaganda against China about the religion and the treatment of ethnic minorities. Everything in Xinjiang is open and candid, and I can assure everybody outside the world that they need to come here and to see it themselves."

4.2.4 The Rights to Living Standards and Social Welfare

China enhances and guarantees the living standards and social welfare of the people in ethnic minority areas. From 2016 to 2020, the per capita disposable income of rural residents in the eight ethnic provinces and autonomous regions increased from RMB 18,000 to RMB 24,534, with an average annual growth rate of 8.0%, which was 0.2% points higher than the national average. All medical and health indicators of these regions were equal to or better than the national average. By 2020, the urban minimum living standards in Inner Mongolia, Guangxi, and Tibet were better than the national average, and the rural minimum living standards in Inner Mongolia were better than the national average.

In the meantime, local governments guarantee the right of ethnic minorities to enjoy equal access to public services by actively channeling public service resources to the ethnic autonomous areas and strengthening trans-provincial/regional pair-up assistance to further narrow the gaps in the incomes of urban and rural residents, as well as in medical care and social security between ethnic autonomous areas and the national average.

2022 is a year of hope for the Tibetan child Jinmei Duoji. In January, he received the surgical treatment of congenital heart disease and was discharged from the Second Affiliated Hospital of Nanjing Medical University in Jiangsu. He was joined by 42 children with congenital heart disease, and all of them have recovered and been discharged from the hospital. There is a high incidence of congenital heart disease in the plateau area with high altitude, low oxygen and low pressure. With the support of the Jiangsu Headquarters of Aid for Tibet and Lhasa Municipal Health Commission, the hospital initiates a health and poverty reduction project called “Heart Blessing Project” to help children with congenital heart disease in Tibet for free. The project includes activities such as voluntary clinics in the Tibet Autonomous Region and treatment and rehabilitation of sick Tibetan children in Nanjing. Since 2014, the participants of the “Heart Blessing Project” have traveled to many poor and remote areas, including vast rural areas, to provide free treatment for children with congenital heart disease. The project has provided screening for more than 60,000 people, more than 400 free clinics and science lectures, free training for more than 10,000 medical staff in counties and townships, and help for nearly 600 children with congenital heart disease.

4.2.5 The Right to Education

China protects the right of citizens in ethnic areas to education and further ensures education equity. From 2016 to 2020, a total investment of more than RMB 790 billion were made to build, renovate and expand school buildings that covered 260 million square meters and sports venues that covered 250 million square meters and to purchase facilities and equipment worth RMB 110 billion, especially in

poverty-stricken ethnic minority areas. The conditions of rural schools providing compulsory education have been significantly improved, and the urban-rural, regional and inter-school gaps have been further narrowed.

Local governments continuously issue a series of policy documents on, for example, the reform of teaching staff team building and the rural teacher support program. Through the program of recruiting teachers at special posts in rural schools, 950,000 teachers have been recruited to work in more than 30,000 rural schools in more than 1000 counties in the central and western regions. As a result, boarding schools in townships are sufficiently and completely staffed. As government-paid education for normal university students is continuously promoted and the targeted training of teachers who “master one specialty with multiple skills” in rural schools is gradually strengthened, about 45,000 college graduates are recruited to teach in rural schools every year and the supply of teachers in relatively backward areas, especially in ethnic areas, has been greatly improved.

In addition, in terms of talent training, colleges and universities directly under the National Ethnic Affairs Commission of the PRC have trained about 150,000 graduates, including about 90,000 graduates from ethnic minorities. Many well-educated young people from ethnic minorities are enthusiastic about starting businesses. After graduating from Beijing Institute of Fashion Technology, Adila Ablat from Kucha City, Aksu Prefecture started a garment company in 2018 in his hometown with the help of the local government. In 2019 his company achieved an output value of over RMB 2 million, and created jobs for over 40 women. A college graduate with disabilities, Jibek Nurlanhan from Altay City returned to her hometown after graduation. The local government helped her with fund raising to create a store selling Kazak embroidery handicrafts.

4.2.6 The Right of Ethnic Minorities to Learn, Use and Develop Their Own Spoken and Written Languages

China protects and encourages the right of ethnic minorities to learn, use and develop their own spoken and written languages.

In terms of the learning and use of the spoken and written languages of ethnic minorities, in order to constantly raise the language education level of ethnic minorities, bilingual teaching is practiced and increased in ethnic areas. The legitimate use of the spoken and written languages of ethnic minorities in the areas of administration and judicature, press and publishing, and culture and education is supported.

To protect and develop the spoken and written languages of ethnic minorities, China successfully completed the construction of the Program for Protecting China's Language Resources (Phase-I), set up the “Center for Protection and Research of Language Resources of Ethnic Minorities in China”, and edited and published separate volumes of *Journal of Endangered Languages in China* in 20 ethnic minority

languages in 2019. At the same time, China has established an online translation website for ethnic languages and successfully developed three major systems of intelligent translation, speech recognition and synthesis, and image recognition for Mongolian, Tibetan, Uyghur, Kazakh, Korean, Yi, and Zhuang languages, as well as ethnic language application software with independent intellectual property rights that is applied for mobile phone input methods of different ethnic languages, conversation between ethnic languages and Chinese, and phonetic transcription.

More than 90% of the population of Jingxi, a border city in Guangxi Zhuang Autonomous Region, is the Zhuang people. Being fluent in Zhuang language is of much help to Liang Pengbo, a judge who can speak both Zhuang language and Chinese. When handling a divorce case, Liang Pengbo first tried to explain legal terms in Mandarin to the litigants, but they could not understand him in spite of all the talk. Then, he switched to the Zhuang language and was quickly understood. The Guangxi Higher People's Court, in conjunction with the Guangxi Committee on Ethnic and Religious Affairs, selected 266 bilingual judges from the grassroots courts of 12 pilot counties (cities, districts) inhabited by the Zhuang people for a "heartwarming project" of ensuring legal protection and enhancing ethnic unity by providing high-quality, efficient and convenient bilingual trial services.

4.2.7 *The Rights to Culture and Sports*

China protects and passes on the traditional cultures of ethnic minorities. The Chinese government has formulated a national-level industry standard to support the protection, rescue, and census of ancient books of ethnic minorities. From 2016 to 2020, China launched the compilation and publication of 17 ethnic volumes of the *Collection of Cultural Relics of Ethnic Minorities in China* and the *Synopsis of the General Catalogue of Ancient Books of Ethnic Minority Groups of China*.

In order to promote the cultural and sports development of ethnic minorities and support the cultural industry in ethnic areas, China regularly organizes the National Arts Festival of Ethnic Minorities, the National Traditional Games of Ethnic Minorities, and the National Horse Award for Literary Creation of Ethnic Minorities. In recent years, the Chinese government has issued the *Guiding Opinions on Further Strengthening the Traditional Sports of Ethnic Minorities* and the *Several Opinions on Strengthening the Medicine of Ethnic Minorities in the New Era* to facilitate rapid development in both fields.

On February 4, 2022, the opening ceremony of the 24th Winter Olympic Games was held at the National Stadium in Beijing. Dinigeer Yilamujiang, a 20-year-old Uyghur cross-country skier from Altay, Xinjiang, the origin of human skiing, and Zhao Jiawen, a Nordic Combined Olympian (ski jumping and cross-country skiing), shared a torch as the last torch bearers and placed it into the Olympic Cauldron of a large "snowflake" suspended in air. The stadium burst into warm applause.

4.2.8 *Opposition to Acts of Separatism, Extremism and Terrorism*

China resolutely opposes to and cracks down on acts of ethnic separatism, extremism and terrorism, and maintains peace and security in ethnic areas. The Chinese government fights unswervingly and succeeds in safeguarding national unity and territorial integrity, defending public security, and protecting the lives and property of the people against acts aimed at splitting the country, including plots for the “independence of Tibet”, setting up of an “East Turkestan” in Xinjiang and the creation of a puppet state of “Manchukuo” in northeast China, hatched or engineered by ethnic separatists with the support of exterior forces.

China implements a successful policy towards ethnic minorities and effectively protects the human rights of citizens of ethnic groups. Acts of separatism, extremism, terrorism or other forms of violence deserve attention and vigilance, but they are not major ethnic issues in China.

4.3 Unbreakable Sense of Chinese National Identity

4.3.1 *The Long-Standing Chinese National Identity*

In September 2009, the State Council Information Office released the white paper *China's Ethnic Policy and Common Prosperity and Development of All Ethnic Groups*, which systematically reviews the development history of ethnic relations in China and its policy system on ethnic minorities.

The white paper indicates that some 4000–5000 years ago, five major ethnic groups—the Huaxia, Dongyi, Nanman, Xirong and Beidi—emerged on what is now the Chinese territory. Through continuous migration, living together, intermarriage and communication, the five ethnic groups gradually became integrated into one, from which new ethnic groups continually sprang up. However, the overall trend of their development was to form a unified, stable country with multiple ethnic groups.

As early as in the pre-Qin Dynasty times, the concepts of “country” and “unification” had taken shape in the minds of the Chinese people. In 221 BC, the Qin Dynasty unified the country for the first time. It set up an administrative system of prefectures and counties, and unified the Chinese characters in writing and measures for length, capacity and weight. The subsequent Han Dynasty (206 BC–220 AD) set up the Protectorate of the Western Regions in today's Xinjiang Uyghur Autonomous Region, and a state with a vast territory, including today's Xinjiang, emerged. The Tang Dynasty (618–907) established the Anxi Protector-general's Office and Beiting Protector-general's Office to manage administrative affairs in the Western Regions, including today's Xinjiang. The Yuan Dynasty (1206–1368), established by the Mongols, set up the Commission for Buddhist and Tibetan Affairs under the central

government, whereby Tibet was thenceforth brought under the effective administration of the central government of China. The Qing Dynasty (1644–1911), founded by the Manchus, set up the Ili Generalship and Xinjiang Province in the Western Regions, appointed Grand Minister Resident in Tibet and established the system of conferring honorific titles on two Living Buddhas—the Dalai and Panchen—by the central government.

Despite short-term separations and local divisions in Chinese history, unification has always been the mainstream and trend in the development of the country. The central governments of the various periods, whether they were founded by the Han people or ethnic minority groups, considered themselves as orthodox reigns of China, and regarded the establishment of a unified multi-ethnic state their highest political pursuit. The time-honored and splendid Chinese culture and the cultural ties and root of the unified multi-ethnic country are all parts of the legacy built by all ethnic minority groups in China.

For over a century from the first Opium War in 1840, China suffered repeated invasions and bullying by Western powers. In order to safeguard state sovereignty, territorial integrity and national dignity, the Chinese people of all ethnic groups shared bitter hatred of the enemy, and fought dauntlessly and unflinchingly. In the nineteenth century, Qing troops, supported by people of all ethnic groups in Xinjiang, wiped out the invading forces of Central Asia's Kokand Khanate and defeated the British and Russian invaders' plot to split China. Tibetan people and troops dealt a heavy blow to British invaders. In the War of Resistance against Japanese Aggression, many anti-Japanese forces with ethnic minorities as the mainstay, such as the Hui People's Detachment and the Inner Mongolia's Daqingshan Anti-Japanese Guerrilla Contingent, made great contributions to China's victory in that war. The Chinese nation fought bravely and unyieldingly, safeguarding the unity of the country and national dignity.

4.3.2 The Well Established and Vigorously Developing Chinese National Identity

Since the founding of the PRC, the people of all ethnic groups in the country have turned themselves into masters of the country and worked together to make hard-won development achievements from standing up to becoming prosperous and stronger, ushering in the best period of development in history. The CPC and the Chinese government adhere to the correct ethnic policy, continue to promote the prosperity and development of ethnic areas, and protect the rights of ethnic minorities according to law. Many ethnic minority areas have made a direct transition from primitive society to modern society, achieving historic leap-forward development.

The long-standing existence and prosperity of a unified multi-ethnic state in Chinese history greatly enhanced the long-standing economic, political and cultural exchanges and integration among different ethnic groups, reinforced their allegiance

to the central government and their identification with Chinese culture, and continuously strengthened the sense of Chinese national identity, giving rise to the unification and diversity of Chinese civilization and, more importantly, laying a solid foundation and providing a fundamental guidance for the historical evolution and development of the rights protection of ethnic minorities in China.

Young people play a crucial role in forging a keen sense of national identity. In January 2022, the National Ethnic Affairs Commission decided to organize an “Exchange Program for Youth of All Ethnic Groups” with other ministries and commissions. The program is mainly intended to organize experiential exchange activities such as summer (winter) camps for youths from the frontier and the mainland and from the eastern and central regions and the western region, in order to promote mutual understanding and respect, appreciation and tolerance, learning and help among young people of all ethnic groups.

In addition to this program, the National Ethnic Affairs Commission also organizes an “Inter-Embedded Development Program for People of All Ethnic Groups” from 2022. The program is mainly intended to encourage and support people of all ethnic groups from frontier ethnic areas to seek jobs, start up businesses, and settle down in the eastern and central areas while enterprises from the mainland to invest, do business, and participate in development and construction projects in frontier ethnic areas; the “Program for Promoting Inter-ethnic Exchange and Integration through Tourism” is mainly intended to boost unity and progress of ethnic groups, inject new implication into tourism, and create new routes and new growth engines.

To sum up, China is a unified multi-ethnic state. Its ethnic policies are built upon the goals of forging a keen sense of national identity, maintaining territorial integrity and national unification, and achieving common development and prosperity through the joint efforts of all ethnic groups. The system of regional ethnic autonomy has greatly increased the sense of pride and responsibility of people of all ethnic groups and stimulated their enthusiasm, initiative and creativity in jointly steering the course to a bright future. Under this institutional framework, communication and exchanges between ethnic groups, and socialist ethnic relations characterized by equality, unity, mutual assistance and harmony, have expanded. Ethnic unity has been reinforced, and a strong sense of national identity has been forged.

Chapter 5

Rights of Women



5.1 Highly Regarded Rights of Women

According to the results of the seventh national census, the population of mainland China was 1.40 billion and the female population was 688 million, accounting for 48.76% by 00:00 on November 1, 2020. The protection of the rights of women is an important part of the development of human rights endeavors in China.

The CPC and the Chinese government attach great importance to the work concerning women, and have always regarded emancipation of women, gender equality, and women's development as their lofty mission and long-standing pursuit. Driven by the strong political will, the rule of law provides a solid foundation for the protection of women's rights in China, and it is a continuous and gradually improving development process.

5.1.1 Founding of the PRC: A New Start of the Protection of women's Rights in China

On October 1, 1949, the PRC was founded. Under the leadership of the CPC, Chinese women put an end to their suffering as an, exploited, oppressed and enslaved group for thousands of years, and finally made it possible to change their status in politics, economy, society, and family life.

1. Freedom of marriage

The first law enacted after the founding of the PRC was the *Marriage Law* passed by the Central People's Government Committee on April 13, 1950. The law clearly declared the implementation of a marriage system featuring freedom of marriage between men and women, monogamy, gender equality, and protection of the legit-

imate interests of women and children. Song Xiuyan, former vice-chairman of the All-China Women's Federation, spoke highly of this law: It fundamentally negated the feudal marriage system that had existed in China for thousands of years, and liberated women from the authoritarian patriarchy and the authority of the husband. For the first time in the Chinese history, it granted women the status as a human being equal to men; ever since the promulgation and implementation of this law, women have enjoyed basic human rights and freedom and the first chapter of the construction of democracy and the rule of law in China has been opened.

2. Recognition of women's rights in the *Constitution*

On September 21, 1949, the CPPCC adopted the *Common Program* as a provisional constitution. It stipulated that "Women enjoy equal rights with men in all spheres of political, economic, cultural, educational, domestic and social life, and freedom of marriage shall applies to both men and women." Article 96 of the first *Constitution* of the PRC enacted in 1954 stipulates that "Women in the People's Republic of China enjoy equal rights with men in all spheres of political, economic, cultural, social and domestic life. Marriage, family, mothers and children are protected by the state." The gender equality and women's rights recognized by the *Constitution* played an important role in promoting the emancipation of women. According to statistics, only 24 countries in the world explicitly addressed equality issues in their constitutional text before 1949. Therefore, China was at the forefront in the development history of women's movement in the world.

3. Political, economic and cultural equality

Women's participation in political life was taken particularly seriously. *The Electoral Law of the National People's Congress and Local People's Congresses* passed in 1953 stipulated that women shall have the same rights to vote and to stand for election as men.

In the early 1950s, under the *Land Reform Law*, an ambition land reform movement kicked off in the rural areas of China. For the first time, Chinese women were given land as equally as men and became land owners.

Nationwide social reforms aimed to transform outmoded traditions and eliminate backward social customs such as "foot binding" and the prostitution system that devastated women were among the most representative actions taken to promote women's emancipation after the founding of the PRC. The cause of women's emancipation in China has made historic progress and unveiled a new chapter.

5.1.2 After the Reform and Opening up: A New Era for the Protection of the Rights of Women in China

In December 1978, the Third Plenary Session of the 11th CPC Central Committee played a prelude to the reform and opening up in China, which not only led China

towards rapid economic development and overall social progress, but also brought progress in the protection of human rights, including the rights of women in China.

1. A legal system for protecting the rights and interests of women was established

On December 4, 1982, the current *Constitution* was promulgated. It once again clearly stipulated that women enjoy equal rights with men in all spheres of political, economic, cultural, social and domestic life, and also emphasized that “The state shall protect the rights and interests of women, implement a system of equal pay for equal work, and train and select female officials.” “Marriage, families, mothers and children shall be protected by the state.” “Infringement of the freedom of marriage is prohibited; mistreatment of senior citizens, women and children is prohibited.”

On April 3, 1992, the National People’s Congress passed the *Law on the Protection of Rights and Interests of Women*. This is the first special law that comprehensively protects the basic rights and interests of women, marking the basic formation of a legal system for the protection of the rights of women, with the *Constitution* as the basis and the *Law on the Protection of Rights and Interests of Women* as the main body, complemented by other laws and regulations and administrative rules.

Since then, the legislature has increasingly paid attention to protecting the rights of women at the micro level. For example, the *Law on Maternal and Infant Health Care* enacted in 1994, the *Criminal Law* revised in 1997, and the *Marriage Law* revised in 2001 make special provisions on the special rights of women, such as providing maternal and infant health care, combating crimes against women, and preventing domestic violence.

2. Gender equality was established as a fundamental state policy

In September 1995, the Fourth World Conference on Women was held in Beijing. Jiang Zemin, then Chairman of China, stated at the opening ceremony of the conference, “We attach great importance to the development and progress of women, and regard gender equality as a fundamental state policy to promote the social development of China.” The *Program for the Development of Chinese Women (2001–2010)* formulated in China in 2001 for the first time listed “the implementation of gender equality as a fundamental state policy” as its overall objective. The *Law on the Protection of Rights and Interests of Women* revised in 2005 for the first time established gender equality as a fundamental state policy in law.

Since 1995, China has promulgated the *Programs for the Development of Chinese Women* for 1995–2000, 2001–2010, 2011–2020, and 2021–2030, clarifying the overall goals and priorities of women’s development at each stage and the measures to monitor and evaluate the implementation effectiveness.

5.1.3 China Has Ushered in the New Era for the Protection of the Rights of Women Since 2012

As China makes compelling achievements in economic development and social progress, women development based on socialism with Chinese characteristics has ushered in a new era since the 18th National Congress of the CPC.

1. The awareness towards gender equality has been growing

Actively propelled by the Party and the government, gender perspective and rights model have gradually become a consensus for protecting the rights of women in contemporary society.

On September 27, 2015, Xi Jinping put forward a four-point proposal on promoting gender equality and women's all-round development on behalf of China at the Global Summit of Women: First, we should strive for women's development in tandem with social and economic progress; second, we should protect women's rights and interests; third, we should make joint efforts to build harmonious and inclusive societies; fourth, we should foster a global environment favorable for women's development.

Both the *Programs for the Development of Chinese Women* and the *National Human Rights Action Plan of China* formulated and implemented by China emphasize "implementing gender equality as a fundamental state policy", "enhancing the social awareness towards gender equality", and "promoting well-rounded development of all the people", and have made significant results.

2. Women's equal access to participate in the management of public affairs and in economic and social development is effectively guaranteed.

The number of women elected to the current 13th National People's Congress in China has increased by 1.5% points from the number to the previous session, and is about 5 times the total number of women deputies to the first National People's Congress.

Through economic empowerment, China has broadened the space and opportunities of women's development, and has improved women's ability to develop and participate in social and economic life.

Women are the greatest beneficiaries of the rapid development of education in China. The *Program for the Development of Chinese Women (2021–2030)* further puts forward the educational goal of "fully promoting gender equality education in universities, secondary and primary schools and significantly enhancing the awareness of teachers and students towards gender equality".

3. The protection of the rights of special women groups has been strengthened

Women from ethnic minorities, impoverished women, rural women and girls are the most favoured groups in the endeavors to protect the rights of women. For example, the rights of Tibetan women living in the Tibet Autonomous Region are not only

protected by the *Constitution* and laws, but also by a series of local laws and regulations such as the *Measures of Tibet Autonomous Region for Implementing the Law on the Protection of Rights and Interests of Women* and the *Measures of Tibet Autonomous Region for Implementing the Law of the People's Republic of China on the Protection of Minors*. Tibetan women were considered “inferior” in all spheres before the democratic reform in Tibet. After 60 years of development, a modern national education system, a medical and health service system, and a social insurance system have been established in Tibet, and Tibetan women basically develop in parallel with women in other places across the country.

Through continuous improvement of health and wellness planning, China provides targeted health services for impoverished, rural, disabled, and elderly women. By 2020, China had lifted all poor women out of poverty under the current standard, realizing the poverty reduction goals set forth in the United Nations 2030 *Agenda for Sustainable Development* 10 years ahead of schedule.

4. The legal protection system for women's rights has been improved

Civil law is an “encyclopedia of social life”. The *Civil Code* passed by voting at the Third Session of the 13th National People's Congress on May 28, 2020 emphasizes the special protection of the rights of women in civil affairs and promotes this endeavor to become mainstream in the field of civil law. It will have a positive influence on the protection of the rights of women in China.

In order to ensure the legislative quality and implementation effect of the legal protection system for women's rights, gender equality review has gradually become a working method for promoting gender equality in China's laws. The *Program for the Development of Chinese Women (2011–2020)* proposes to “incorporate social gender awareness into the legal system and public policies, and strengthen gender equality review of laws and regulations.” The *Program for the Development of Chinese Women (2021–2030)* continues to require “promoting the standardized construction and effective operation of gender equality evaluation mechanism in laws and policies.” Timely review of the current laws or laws to be enacted or implemented through human rights and social gender perspectives can prevent women from suffering adverse consequences caused by seemingly fair laws and help achieve substantive rather than conceptual or formal gender equality in the laws. Since Jiangsu Province first issued the *Guiding Opinions on Establishing a Gender Equality Consultation and Evaluation Mechanism for Local Policies and Regulations in Jiangsu Province* in March 2012, 29 provinces, municipalities and autonomous regions across the country have made considerable results in the practice of gender equality evaluation in legal policies.

From December 24, 2021 to January 22, 2022, the Chinese legislature solicited public opinions on the *Law on the Protection of Rights and Interests of Women (Revised Draft)*. A total of 85,221 contributors left 423,719 suggestions on the website of the National People's Congress. The number of suggestions far exceeded those for other law amendment drafts that solicited opinions during the same period, and reflected the concern and enthusiasm of the Chinese public about participating in legislation for the protection of the rights of women.

5.2 Resolute Opposition to Gender Discrimination

5.2.1 *The Concept of Gender and Gender Mainstreaming*

The *Beijing Declaration* made during the Fourth World Conference on Women in 1995 mentioned not only “women” but more “gender”. Around this time, the concept of “gender” gradually attracted the attention of Chinese scholars. “Equality between men and women”, a concept and phrase that highlights natural gender differences, is now often replaced by “gender equality”. By introducing the concept of gender in the formulation and implementation of laws and public policy, China not only pays attention to the biological differences between men and women, but also emphasizes the unique social environment in which women live.

As an important application of the gender perspective, gender statistics has been gradually valued and strengthened both in the international community and in China. After 2004, the National Bureau of Statistics began to incorporate gender statistics into the regular statistical investigation system of the country.

China relies on the following important institutions to promote gender mainstreaming: the Social Development Affairs Committee of the National People's Congress, the Women and Youth Committee of the CPPCC, the National Working Committee on Children and Women under State Council, and the All-China Women's Federation. It should be noted that the National Working Committee on Children and Women under State Council is responsible for coordinating the work concerning women on behalf of the Chinese government.

5.2.2 *Positive Actions Against Gender Discrimination*

1. Rural women's legal rights and interests in land have been basically protected

In the verification, registration and certification of land contract and management rights, local governments ensure that women's rights and interests in land are recognized in the land register and the real estate ownership certificate. In February 2020, 10 women who married to a non-native place including Liu from Fujian Province complained to the Bureau for Letters and Calls of their native county that they were excluded from the distribution of compensation for collective land acquisition by their production group in 2017 and 2019 because they had left the village due to marriage. They came to request a solution. The Bureau for Letters and Calls, based on the territorial principle, handed the dispute over to the township government. The township government tried to negotiate and communicate with the leader and the committee of the Fifth Production Group, but no agreement was reached and the mediation failed. Later, under the guidance of the township government, Liu and the others resorted to litigation and obtained legal assistance. It was proved through investigation that Liu had been a villager since she was born, but she had

never received any compensation for land acquisition as a villager. During the court trial, the case handler, based on the *Interpretation by the Supreme People's Court of Issues Concerning the Application of Law in the Trial of Cases Involving Rural Land Contracting Disputes*, claimed that the decision of the villager representative meeting of the villagers group contradicted the laws and regulations and national policies and that by treating Liu differently from other members of the same economic group, the decision violated the law and infringed the legal rights and interests of Liu to participate in the distribution of collective property equally as a member of the group. The people's court of the county made a judgment according to law after the trial: The defendants, the village committee and the production group, shall grant Liu and the others equal treatment as villagers and pay the plaintiffs the compensation for land acquisition after the judgment took effect. After the plaintiffs won the lawsuit, the villagers group agreed to satisfy the effective judgment of the court on time and grant the nine women, in addition to Liu, who married to a non-native place, equal treatment as villagers.

2. Gender equality in employment and the rights and interests of women are protected

In March 2017, Li joined a company as an office clerk in Ningxia and signed a 2-year labor contract. In November 2018, Li took a two-week fetus protection leave due to pregnancy and returned to work after the leave was due. On January 22, 2019, she was transferred to a sales position on the grounds that she was not competent in the original position. Li refused to accept the transfer decision, thinking that her current condition would not allow her to complete any sales task. The employer accused her of disobedience and asked her to submit a resignation report. On January 24, Li came to the Legal Aid Workstation for Employees (Migrant Workers) of the Federation of Trade Unions of Yinchuan City for help. She was assigned a lawyer who wrote a petition for labor dispute arbitration and submitted it to the Labor Dispute Arbitration Court of Yinchuan City on her behalf. Given the adverse legal consequences from losing the lawsuit, the employer asked for mediation. On March 12, 2019, the arbitration tribunal initiated pre-arbitration mediation. Through mediation, the employer agreed to recover the dismissal decision. Li returned to her original position and was given a break on every workday. According to the relevant regulations, the two-week fetus protection leave was included in maternity leave, and the wage that had been previously withheld for the leave was compensated to Li.

In June 2018, the Federation of Trade Unions of Rongcheng City, Shandong Province, received an inquiry call from a female employee, Zhang, and learned from her that an enterprise in the city added a clause in its labor contract with employees to prohibit female employees from getting pregnant within the first three years of employment. Zhang joined the company two years ago as an executive secretary and was fired due to unexpected pregnancy. The Federation of Trade Unions of Rongcheng City believed that the company broke many laws and regulations and negotiated actively with the employer. Finally, the employer agreed to revoke the dismissal decision and, as advised, designated someone to revise the rules and regulations, reward and punishment provisions, and labor contract of the company.

On September 24, 2021, the “public welfare” volunteers of Hangzhou Women’s Federation transferred an employment discrimination clue to the People’s Procuratorate of Hangzhou City, reporting the existence of gender restriction and infringement on the equal right of women to employment in an open recruitment of village-level reserve cadres in the first sub-district of Qiantang District, Hangzhou City. The procuratorate immediately handed the clue over to the Procuratorate of Qiantang District. Through investigation, the prosecutors confirmed the existence of gender discrimination in the recruitment event. The Procuratorate of Qiantang District concluded that the gender restriction in the open recruitment of village-level reserve cadres in the sub-district violated the law, infringed the legitimate rights and interests of women in equal employment, and harmed social and public interests. On September 30, the Procuratorate of Qiantang District issued suggestions from the prosecutorial organ before public interest litigation to the recruitment organization, requesting it to correct the inappropriate messages in the recruitment announcement in a timely manner, organize a standard recruitment examination, and improve its long-term supervision mechanism.

3. Sexual harassment against women is prevented and suppressed

Opposition to sexual harassment against women, including sexual harassment in workplaces, schools, and other environments, has attracted more and more attention from the media and society in recent years. Chinese laws and policies take a clear stand against sexual harassment.

At 18:23 on July 1, 2019, Wang was sitting close to the left side of a female minor in the subway car in Shanghai Metro Line 8, with his left hand on his right arm, touching the girl continuously. At about 18:31, when Wang touched another girl in the same way, he was caught and questioned by the girl. Having escaped in vain, Wang was sent to the police station. On October 15, the People’s Court of Jing’an District in Shanghai sentenced Wang to six months in prison for compulsory indecent assault. This was the first case in Shanghai in which a criminal punishment was imposed for sexual harassment on public transport and changed the public impression that “gropers” were put to administrative detention according to the *Law on Penalties for Administration of Public Security* rather than criminal penalty even in the most serious case. This case encourages women to bravely stop any sexual harassment or other illegal acts imposed on them, report to the police and give evidence immediately, and safeguard their legitimate rights and interests.

On January 16, 2018, the Ministry of Education posted a piece of news that a decision was made to revoke the title of expert previously granted to Professor Chen Xiaowu of Beihang University, to stop distributing bonus to and recover the awarded bonus from him; the Ministry of Education reiterated a zero-tolerance attitude towards behaviors that violate teacher’s ethics and infringe on students. Once detected, the case will be investigated and the offender will be punished with no leniency. Earlier, Beihang University reported that Chen Xiaowu had been dismissed and disqualified as a teacher for sexually harassing his students.

5.3 Resolute Opposition to Domestic Violence

Domestic violence is often a mirror of gender discrimination and also a manifestation of disrespect for special groups, such as children and the elderly.

5.3.1 *Breakthroughs in Legislation and the Establishment of an Anti-domestic Violence Mechanism*

On December 27, 2015, the *Anti-domestic Violence Law* was passed by the Standing Committee of the National People's Congress. The law highlights special systems such as police warning, restraining order and mandatory reporting. It marks China's clear legal stance against domestic violence and provides a new legal weapon for protecting women's personal rights. This new special anti-domestic violence law is an important breakthrough in the history of Chinese legislation. Legislation is only the first step on the anti-domestic violence journey, and to truly realize the goal of legislation calls for enhanced social awareness, common participation in the whole society, and effective working mechanisms. China has improved the multi-department cooperation mechanism for preventing and suppressing domestic violence and the prevention, suppression and assistance integrated working mechanism, including encouraging and supporting social organizations to contribute to anti-domestic violence endeavors.

Early in March 2015, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, and the Ministry of Justice jointly issued the *Opinions on Handling Domestic Violence Criminal Cases in Accordance with Law* to strengthen timely judicial intervention in domestic violence. In October 2015, the Ministry of Civil Affairs and the All-China Women's Federation issued the *Guiding Opinions on Doing a Good Job in Providing Refuse and Assistance for Victims of Domestic Violence*, which put all victims of domestic violence under shelter and assistance, clarified the principles of special and priority protection for minors, legal sheltering, professional assistance, and common participation in society, identified main assistance procedures and work such as accepting assistance requests in a timely manner, providing on-demand referral services, strengthening the protection for the personal safety of victims, and reinforcing the assistance and protection of minor victims, and put forward specific work requirements on improving the working mechanism, strengthening capacity building, and mobilizing common participation in society.

Local public security organs and people's courts actively explore the use of police warning and restraining order to effectively prevent and stop domestic violence. On March 1, 2016, when the *Anti-domestic Violence Law* was officially promulgated, the Women's Federation of Changsha City, Hunan Province, submitted a restraining order application to the People's Court of Yuelu District on behalf of a domestic violence victim, Zhou, and the application was supported by the court. This was the

first restraining order filed as an independent case in Hunan Province, and also the first of its kind applied by a women's federation on behalf of the victim in China. By late December 2019, courts across the country had issued 5749 restraining orders, effectively containing domestic violence and safeguarding the personal safety and human dignity of domestic violence victims, especially women, children, the elderly, and the disabled.

5.3.2 *Strengthen State Intervention in Domestic Violence*

Today, the rule of law has blurred the boundary between public law and private law. The state power now actively intervenes into the acts that violate the legitimate rights and interests of family members in domestic life, although this used to fall into the sphere of private law, and a zero-tolerance attitude is adopted towards domestic violence.

Zhang, a 51-year-old woman from Jiangbei District, Chongqing City, has lived with domestic violence by her husband Zeng over more than 20 years of marriage. Zhang complained to the relevant departments about the insult and abuse she suffered, but she did not receive any effective assistance. On March 30, 2011, Zeng beat and insulted Zhang again. Zhang could not bear the humiliation any more and killed Zeng with a hammer and other weapons. Zeng's three brothers issued a letter of understanding, and another 110 villagers in the same village also signed a petition to appeal for leniency. The defendant's long suffering from domestic violence was taken seriously by the court and was leniently sentenced to seven years in prison as criminal penalty for the crime of intentional homicide. This case gave an important warning to the prevention and timely intervention of domestic violence and the protection and assistance for victims. It occurred before the promulgation of the *Anti-domestic Violence Law* and spurred the legislation in China in some way.

Xiao Fang (pseudonym), a girl from Beijing, was abandoned after she was born in 2002. Her adoptive mother Liu and Liu's cohabiting boyfriend Zhang had beaten and abused her and forced her to pick up rubbish at night since she was a child. In 2016, Xiao Fang reported to the public security organ that she was sexually assaulted by Yu, Liu's son. After a fact-checking mission to find out the truth, the People's Procuratorate of Fengtai District, Beijing, prosecuted Yu for a suspected crime and issued prosecutorial suggestions to the Civil Affairs Bureau of Xicheng District, Beijing, according to law, suggesting that the Civil Affairs Bureau file a lawsuit to the court to apply for revoking Liu's guardianship. The court finally sentenced Yu to ten years in prison and designated the Civil Affairs Bureau of Xicheng District to replace Liu as Xiao Fang's guardian. So far, Xiao Fang has been living in the assistance station for more than two years and started a new life. This was the first case of civil prosecution for minor support handled by the prosecutorial organ in Beijing. While verifying the criminal evidence, the prosecutorial organ guided the public security organ to investigate and collect evidence of the abuse of the guardian Liu as soon as possible, which laid the foundation for the subsequent civil lawsuit. This case

also provided a reference for procuratorial organs to actively initiate public interest lawsuits when minors are found to be under incompetent or negligent guardianship.

Since the first shelter for women was established in Wuhan, Hubei, in 1995, anti-domestic violence assistance centers have been established across the country. From establishment in November 2008 to November 2020, the Anti-domestic Violence Shelter of Kunming City, Yunnan Province, admitted 1196 victims of domestic violence (mainly women) and offered advice to more than 2700 people. Due to the limitations of manpower, material resources, working ability, etc., the anti-domestic violence shelters in many places still need to constantly improve their accessibility, service capacity, and service level.

5.4 Active Participation in International Cooperation

The feminist movement is highly influential in the international community, and the protection of the rights of women in the field of human rights follows an independent development trajectory. The adoption of Resolution No. 34/180 *Convention on the Elimination of All Forms of Discrimination against Women* at the United Nations General Assembly held on December 18, 1979, marked a peak in international legislation for gender equality.

The Third World Conference on Women, known as “the World Conference to Review and Appraise the Achievements of the UN Decade for Women”, took place in Nairobi, capital of Kenya on July 13–26, 1985. State Councilor Chen Muhua led a Chinese delegation to the conference. It was a conference held at a time when the gender equality movement finally gained real global recognition, and it declared for the first time that all issues were women’s issues.

The Fourth World Conference on Women took place in Beijing, China on September 4–15, 1995, under the theme of “Action for Equality, Development and Peace”. It attracted more than 15,000 representatives of government delegations from 189 countries, organizations and specialized agencies of the United Nations, inter-governmental and non-governmental organizations. The Chinese government delegation led by Chen Muhua, Vice Chairman of the Standing Committee of the National People’s Congress and Chairman of the All-China Women’s Federation, attended the conference. The conference resulted in and passed the *Beijing Declaration* and the *Platform for Action* aimed at accelerating the implementation of the *Nairobi Strategies*. They pointed out the main obstacles to the advancement of women’s position around the world and formulated future strategic goals and specific actions. The conference took a step forward on the basis of the Nairobi Conference, and the *Platform for Action* clearly declared that “Women’s rights are human rights”, and promised specific actions to ensure respect for these rights.

In the *Millennium Declaration* adopted at the Millennium Summit held in September 2000, gender issues were incorporated into many of the Millennium Development Goals that followed. On September 25, 2015, the United Nations General Assembly adopted the *2030 Agenda for Sustainable Development*, which

includes one special goal of achieving gender equality and empowering all women and girls, as well as many other goals that involve women's empowerment.

Right after the *2030 Agenda for Sustainable Development* was adopted, on September 27, 2015, the Chinese government and the United Nations jointly held the Global Leaders' Meeting on Gender Equality and Women's Empowerment. Chinese Chairman Xi Jinping attended and presided over the summit at the United Nations Headquarters in New York. In an important speech entitled "Promoting Women's All-round Development and Building a Better World for All" at the opening ceremony, the Chairman put forward a four-point proposal on promoting gender equality and women's all-round development. "First, we should fight for women's development in tandem with social and economic progress. We need to come up with better and more-rounded development strategies that aim to ensure women's equal share in the fruits of development. Policy measures should be updated to raise women's participation in the process of social and economic development. Second, we should protect women's rights and interests. They must be protected by laws and regulations. We must buttress women's capacity to play their part in society and the economy. We must ensure that basic medical services for women are sufficient. We must ensure that school is affordable and safe for every girl, and develop vocational and life-long education for women. Third, we should strive to build harmonious and inclusive societies. We must eradicate all forms of violence against women. We should dismiss outdated mentalities and customs inhibiting women's development. Fourth, we should foster a global environment favorable to women's development. We must stand firmly for peace, development and beneficial cooperation, cherish peace dearly and uphold it. We should continue to carry out women-related international development cooperation and narrow the development gaps among women in different countries."

Also at this summit, Xi Jinping emphasized that "As the Chinese people pursue a better life, every Chinese woman has the opportunity to excel in life and make her dreams come true. China will do more to enhance gender equality as its basic state policy, give play to women's important role as "half the sky" and support them in realizing their own dreams and aspirations in both career and life. In the coming five years, China will help other developing countries to build 100 'health projects for women and children' and implement 100 'happy campus projects'. We will also bring 30,000 women from developing countries to attend training programs in China and provide vocational trainings for 100,000 women in other developing countries."

Advocating, promoting and advancing the human rights of women is a progressive process. The Chinese government has made unremitting efforts together with the international community and played a leading and constructive role in this process.

Since the founding of the PRC, on the basis of a strong political will to promote gender equality, the legal and policy system for the protection of women's rights has been continuously improved, and new social awareness and social culture for promoting gender equality and opposing gender discrimination are taking shape. The economic development and social progress of China provide a solid foundation for the protection of women's rights. China's practice and innovation in achieving gender equality will also contribute to the cause of women around the world.

Chapter 6

Rights of the Child



6.1 A New Vision of the Child

6.1.1 *Actively Ratify the Convention on the Rights of the Child*

At all times and in all over the world, children bear the hope of the nation and society. In the modern human rights system, there seems to be less disputes and more consensus among countries when it comes to the rights of the child. However, the rights of the child have not been established in the international human rights system and advocated for a long time. It was not until 1989 that the *Convention on the Rights of the Child* (hereinafter referred to as “*Convention*”), the first international convention specially on the rights of the child, was adopted at the United Nation General Assembly. So far, it has been ratified by 196 countries and has the most state parties among international treaties in the world. As a “late comers that outdoes the early starters”, the *Convention* wins more consensus and more general support in spite of its late establishment.

The UN working group for drafting the *Convention* started their work in 1979 and was joined by a representative of China from 1980. During the drafting process, the Chinese representative presented several proposals, most of which were accepted by other parties, contributing to the finalization of many provisions. When the draft was reviewed at the 44th United Nations General Assembly in 1989, China was one of the co-sponsors.

At the 23rd Meeting of the Standing Committee of the 7th National People’s Congress of China held on December 29, 1991, a decision was made to ratify the *Convention*. On March 2, 1992, the Permanent Ambassador of China to the United Nations submitted the instrument of ratification to the United Nations, making China the 110th ratifying state of the *Convention* and one of the first state parties to ratify it.

At the 29th Meeting of the Standing Committee of the 9th National People's Congress of China held on August 29, 2002, a decision was made to allow China to sign the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography Supplemental to the Convention on the Rights of the Child* on September 6, 2000. At the 31st Meeting of the Standing Committee of the 10th National People's Congress of China held on December 29, 2007, a decision was made to allow China to sign the *Optional Protocol on the Involvement of Children in Armed Conflict Supplemental to the Convention on the Rights of the Child* on March 15, 2001.

Article 1 of the *Convention on the Rights of the Child* defines a child as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." Article 2 of the *Law of the People's Republic of China on the Protection of Minors* defines that minors mean citizens under the age of 18. This definition is consistent with that in the *Convention*.

6.1.2 Strongly Advocate the New Vision of the Child

Protecting the rights of the child is not only the top priority but also one of the highlights of the human rights endeavors in China. In recent years, as the awareness in this regard has been growing dramatically, rapid progress has been made in the establishment of a new vision of the child and the perspective on their rights.

To understand and realize the rights of the child, it is necessary to understand the new vision of the child, namely, the basic understanding of the child and their childhood and rights. It is the theoretical foundation and guideline for the practice of the *Convention*. It can be said that the new view on children provides a new reference and guideline for China to revise the *Law on the Protection of Minors*.

In a nutshell, the new vision of the child embodied in the *Convention* includes the following three aspects: First, a child is a human being. No matter how weak or immature she or he is, a child has an independent personality as much as an adult and enjoys the rights conferred by the law. She or he is not a subordinate to an adult, a family or any institution or organization. Moreover, a child is a subject of rights. All adults in society must respect children and take responsibility for protecting the rights of the child. There is a duty to protect the rights of the child. Second, a child is a child. She or he, as a child, is entitled to the legal protection granted to the group of children, and their childhood is an independent stage of life, one that has value in itself. A child should not be regarded as an incomplete person, and nor should childhood be regarded as a mere preparation for adulthood. Third, a child should be treated as appropriate to their age and their physical and mental development, so as to promote their healthy growth and development. Childhood is a stage of life that spans different ages and wide time scales. Children at different ages and in different physical and mental development states should be protected to ensure entitlement to their due rights.

The cultures of China and some other countries include excellent traditions of respecting the old and caring for the child and taking education seriously. However,

these excellent traditions have been accompanied by long-standing mentality and customs that prefer boys to girls and that treat children as subordinates to their parents since ancient times.

In modern society, the perception of children, childhood, child rearing and children's development has been changed tremendously. Children's independent personality is better recognized and valued, and children's health and overall development are better protected as both subjective and objective conditions permit.

The importance of protecting the rights of the child and the all-round development of children is reiterated in China's legislation. Paragraph 1 of Article 49 of the *Constitution* stipulates that "Marriage, families, mothers and children shall be protected by the state." Paragraph 4 stipulates that "Mistreatment of senior citizens, women and children is prohibited." Paragraph 2 of Article 46 stipulates that "The state shall foster the all-round moral, intellectual and physical development of young adults, youths and children." The general provisions in Article 1 of the *Law on the Protection of Minors* set forth the purpose of "protecting the physical and mental health of minors, safeguarding their lawful rights and interests, promoting their all-around development in terms of moral, intellectual and physical conditions".

The incorporation of human rights into the mainstream international human rights law and domestic legislation and policies and the incorporation of the rights of the child into human rights is a historic breakthrough in the cause of child protection. This breakthrough is, first of all, conceptual and are reflected in the advocacy of the new vision of the child. Specifically, in the field of international human rights law, this conceptual breakthrough is reflected in the formulation and implementation of the core principle of the *Convention*—maximizing the best interests of the child. Paragraph 1 of Article 3 of the *Convention* sets forth the principle of maximizing the best interests of the child: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

This principle was valued by the Chinese government, as typically illustrated in the revision of the *Law on the Protection of Minors* in 2006. When the draft of the law was in deliberation by the subgroups at the 24th Meeting of the Standing Committee of the 10th National People's Congress of China held in the afternoon of October 29, 2006, Gu Xiulian, then Vice Chairman of the Standing Committee, suggested that the principle of maximizing the best interests of minors be included in the draft. With great foresight, she said that the United Nations attaches great importance to this principle and many of the Millennium Development Indicators are associated with issues on children. The whole world is studying how to adapt children's growth, intelligence, and physical development to modernization. The United States initiated the research long ago, and China is doing the same job.

It was with the extensive advice of state leaders and people of insight that the finalized *Law on the Protection of Minors* incorporated the principle of maximizing the best interests of the child. Article 4 clearly stipulates that "The protection of minors shall adhere to the principle of the best interests of minors." The first requirement was "Giving special and preferential protection to minors," which was the most direct manifestation of the principle in China's legislation.

In fact, this principle had affected China's legislation long before the revision of the *Law on the Protection of Minors*. The original *Marriage Law* stipulated that at the time of divorce, in case where an agreement cannot be reached on the disposition of the property in the joint possession of husband and wife, the court shall make a judgment on the principle of "caring for the rights and interests of the wife and the child or children", but the revision in 2001 modified the statement into "caring for the rights and interests of the child or children and the wife". Giving priority to the rights and interests of the child or children in the disposition of property upon divorce undoubtedly embodies the principle of maximizing the best interests of children by requiring that divorce should not occur at the cost of undermining the welfare of children.

The first *Civil Code* of the PRC was adopted in May 2020. This law recognizes and protects that a minor has limited capacity for performing civil juristic acts provided that such a minor may independently perform a civil juristic act that is purely beneficial to him or that is appropriate to his age and intelligence. It also provides a legal basis for the protection of children's rights and interests in inheritance and acceptance of gifts.

In late 2020, the *Law on Prevention of Juvenile Delinquency* was revised, and a coordination mechanism was established at the national level for connecting children's justice with administrative protection. Relevantly, the *Law on Community Correction* passed in 2019 sets forth special provisions in an independent chapter about community corrections for minors. The *Implementation Measures for the Law on Community Corrections* issued in 2020 further refines the work related to community corrections for minors.

In addition to national legislation, the principle of maximizing the best rights of children is also reflected in local and departmental legislation, as well as supporting legal interpretations, including judicial interpretations. These legal documents lay the foundation for further implementation and refinement of this principle, and provide legal norms and operational guidance for justice and law enforcement.

6.2 Initiatives to Protect the Rights of the Child

6.2.1 Mechanism Construction

The legislative, judicial, and administrative departments, as well as social groups in China, have established mechanisms to effectively protect the rights and interests of the child. In particular, the education, health, culture, public security, sports, and civil affairs departments of the central and local governments have established functional agencies specially responsible for work related to children.

On February 22, 1990, the National Coordination Committee on Children and Women under State Council, the predecessor of the National Working Committee on Children and Women under State Council, was officially founded and replaced

the former National Coordination Committee on Children and Teenagers under State Council led by the All-China Women's Federation to become the deliberation and coordination agency for work related to women and children under the State Council.

On August 4, 1993, the National Coordination Committee on Children and Women under State Council was renamed the National Working Committee on Children and Women under State Council, or NWCCW for short. The NWCCW is the deliberation and coordination agency for work related to women and children under the State Council. It is responsible for coordinating and promoting relevant government departments to implement laws, regulations, policies and measures on women and children, and for developing undertakings related to women and children.

The membership of the NWCCW is approved by the State Council and includes not only government departments but also important social groups. The trend now is that its membership is growing in both number and scope. As mentioned above, the NWCCW consists of 35 ministries and people's organizations.

6.2.2 Policy Framework and Measures

Early on February 16, 1992, the State Council of China responded to the *World Declaration on the Survival, Protection and Development of Children* agreed at the World Summit for Children in 1990 and the *Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s*. China promulgated and implemented the first program for the development of Chinese children—*The Program for the Development of Chinese Children in the 1990s*. It set forth 10 main goals and 39 supporting goals. It specifically stipulates that the “*Convention on the Rights of the Child* approved by the Standing Committee of the National People's Congress shall be effectively implemented.” Since then, relevant state departments, all the provinces, autonomous regions, municipalities directly under the Central Government, and prefecture-level cities, as well as almost all the counties and cities have formulated their local program for child development and implement plan.

On the basis of the existing achievements and in consideration of the actual survival and development status of Chinese children, the Chinese government formulated and released the *Program for the Development of Chinese Children (2001–2010)* in 2001. As a national action plan for work related to Chinese children in the new century, the *Program* put forward the goals and specific measures for the development of Chinese children in the first decade of the twenty-first century in the following four aspects: children and health, children and education, children and legal protection, and children and environment. It clearly stipulated the principle of Child Priority.

The *Program for the Development of Chinese Children (2011–2020)* released by the State Council on July 30, 2011 was the third national program issued by the Chinese government for protecting the rights of the child. It proposed the goals for children's development towards 2020 in the five areas of children's health, children's

education, children's welfare, social environment, and legal protection. It should be noted that the program proposed to move the children welfare system from filling the gap to being moderately inclusive. This was an important policy adjustment to the system for protecting the rights of the child that was made to catch up with the economic development of the country.

On September 27, 2021, the State Council released the new *Program for the Development of Chinese Children (2021–2030)*, which proposed 70 main goals and 89 strategic measures around health, safety, education, welfare, family, environment, and legal protection.

The *National Human Rights Action Plan of China (2021–2025)* released on September 9, 2021 is currently in effect in China. It emphasized that “The principle of ‘putting children first’ shall be upheld, and the goals set in the *Program for the Development of Chinese Children (2021–2030)* shall be fully realized. Children's rights to survival, development, protection and participation shall be ensured. The gap in children's development between urban and rural areas, and among different parts of the country and communities, shall be narrowed. The healthy and well-rounded development of children shall be promoted.”

From the legal point of view, the plans or programs mentioned above are phased policy documents released by the government on the protection of human rights. Although they are not as legally binding as legal provisions, they are policy measures to implement the constitutional principles and relevant laws and regulations on respecting and protecting human rights. They are national plans developed in consideration of government responsibilities and tasks, and incorporate the requirements of the *Constitution* and laws into government work. Because such plans must be implemented and executed effectively by the central and local government departments at all levels, they are both instructive and highly operable and enforceable documents of great significance to the implementation of laws.

6.3 Achievements and Challenges in the Protection of the Rights of the Child

6.3.1 Conceptual Change

In recent years, China's achievements in the protection of the rights of the child have been most fundamentally reflected in the advocacy of the new vision of the child and the enhancement of the awareness to the protection of the rights of the child. The rights of the child have been highly regarded more than ever, and the work related to children becomes rights-oriented. The laws and policies of China clearly emphasize the principle of maximizing the best interests of children and the principle of putting children's protection first. “All for children” has become a call that builds social consensus.

The implementations of the *Convention on the Rights of the Child* and the emphasis on the principle of maximizing the best interests of children in China's laws and policies have brought about tangible changes. The changes in judicial practice are illustrated in the following two cases.

In practice, the right of personal name is an important right related to children. A typical case occurred between Yao Pengcheng and Yao Kunyun over the dispute of their child's name. In this case, the plaintiff Yao Pengcheng and the defendant Yao Kunyun were husband and wife. They had a son named Yao Yueda. In February 1995, they divorced under a court rule, and the son was assigned to the defendant. In September 1999, the plaintiff found out that the defendant had changed his son's surname to Ma without his permission. In May 2001, he sued the defendant to the People's Court of Wuhua District, Kunming City, Yunnan Province, requesting the restoration of his son's original surname. The defendant disagreed with the plaintiff's claim because, as she asserted, the child had used the new name for six years, long enough for himself and his family, friends, teachers, classmates, social files, and insurance to accept and recognize it. If the plaintiff's request was accepted, the child, young as he was, would have to suffer a radical change in life once again.

According to Article 19 of the *Several Concrete Opinions of the Supreme People's Court on Handling the Issue of Trial of Child Raising in Trial of Divorce Cases by People's Courts*, "If a dispute is incurred when a parent arbitrarily changes his or her child's surname to the surname of the child's step-mother or step-father, the parent shall be ordered to restore his or her child's original surname," the People's Court of Wuhua District maintained that a child can take the surname of either parent; the defendant violated the law by changing the surname of her son Yao Yueda to neither her surname nor the plaintiff's surname. Thus, the court ruled that Yao Kunyun shall restore the surname of her son from "Ma" to the surname of either parent within 5 days after the rule came into effect. The defendant appealed to Kunming Intermediate People's Court, but her appeal was not supported.

In this case, the court did not solicit the opinion of Yao Yueda, who was a minor. His right of name seemed to be exercised by his parents. The laws and judicial interpretations applied by the court did not adequately support the best interests of the minor as a party to the case.

However, with the passage of time, the application of the laws cited above has changed, and the judicial interpretations cited above are no longer valid. In 2007, the People's Court of Changping District, Beijing ruled that the child shall be the decision maker for the change of his or her surname and the father cannot "interfere". For example, in a case, Mr. Wang registered for marriage in March 1993, and his wife gave birth to a son the following year. In April 2002, they divorced under a court rule, and the child was assigned to his mother. Later, Mr. Wang found out that his ex-wife had changed the name of the child and his son no longer took his surname. Mr. Wang claimed that his ex-wife infringed on his guardianship by privately changing the name of their son which had been agreed upon by both of them before the divorce. He requested the court to order restoration of his son's original name. Mr. Wang's ex-wife claimed that the child, not his parents, enjoyed the right of changing his name and the child had the right to decide his own name; changing the child's name did

not harm the interests of either parent; restoring the name of the child would not be good for him because his new name had been recognized in the school register and his personal file and by his teachers and students since he used it more than one year ago. The court maintained that the right of name is the identity right of every citizen, and citizens have the right to use, change, and protect their names from infringement. Mr. Wang's son had the right to change his name. Therefore, the court rejected Mr. Wang's request.

These two specific cases reflect changes in judicial perception and judicial practice due to China's advocacy of and emphasis on the principle of maximizing the best interests of children.

6.3.2 *Specific Achievements*

China has established a service system to prevent and treat birth defects, covering the pre-pregnancy, pregnancy and neonatal stages, and accessible to both urban and rural residents. By 2020, the mortality rate of infants and kids under the age of five was no higher than 0.75% and 0.95%, respectively. The vaccination rate under the national immunization program, calculated by taking the rural township as the basic unit, was kept above 95%. China carries on a nutrition-enhancement program for students receiving compulsory education in rural areas, providing nutritious diet subsidies for nearly 38 million students. The Nutrition Improvement Program for Children in Poor Areas is expanded, benefiting a total of 11.20 million children aged 6–24 months. In 2019, the average rates for incidence of anemia and growth retardation of infants and young children aged 6–24 months in the areas under continuous monitoring by the program decreased by 50.5% and 68.3% from 2012, respectively. The program effectively improved the nutrition of children in poverty-stricken areas.

A social environment conducive to the involvement of children is created. Encouragement and support are given to children to participate in family, school and social affairs, and channels shall be opened up for children to get involved and express themselves. Child-friendly units, communities and cities have been built. The grass-roots team building for work related to children has been strengthened. By 2020, there had been 56,000 township (sub-district) child supervisors and more than 675,000 village (community) child directors in all of the localities. The *Guide for the Work of Child Supervisors* (Instructive) and *Guide for the Work of Child Directors* (Instructive) were compiled to instruct more intensive training of child supervisors and child directors in the localities and improve their ability to handle affairs related to minors and provide them with care and services.

Efforts are enhanced in the construction of facilities for children's activities and services in communities. By 2020, there were "children's homes" in over 90% of urban and rural communities. At least one full-time or part-time social worker in relation to children shall be employed in each urban sub-district and rural township.

The schoolwork load shall be lessened by addressing both the root cause and symptoms. By 2020, more than 320,000 “children’s homes” had been built to provide safe activity spaces for children to play games and receive education.

For example, children often take active part in doing physical exercises on the playground of No. 7 Primary School in Changji City, Changji Hui Autonomous Prefecture, Xinjiang. In order to promote the development of ice and snow sports, Changji Prefecture began to build 37 standard ice skating rinks in urban parks, water surfaces in tourist spots, and school playgrounds which were open to students for free or at very attractive discounts from 2021. The skating rink of No. 7 Primary School is a famous one. Created in 1992, the Short Track Speed Skating Team of the school has sent more than a dozen athletes to professional teams over the past 30 years.

Deprived children are taken care of. Children’s welfare and service systems at city, county, township (sub-district) and community levels are established, in addition to the implementation of a plan for the construction of children’s welfare institutions and institutions for the protection of minors at the county level. By 2020, there had been 1217 children’s welfare institutions all over the country. Children’s welfare institutions have expanded their scope of centralized fostering from orphans to de facto unattended children, and they actively expand outreach services to children with disabilities, AIDS-affected children, and children of prisoners and drug abuse detainees.

From 2019, the central government raised the standard subsistence allowances for orphans in the eastern, central and western regions by 50% to RMB 300, RMB 450, and RMB 600 per person per month, respectively. By 2020, there were 194,000 orphans nationwide, 30.9% of whom, or 60,000, were fostered in children’s welfare institutions. The *Opinions on Further Strengthening the Work for Security of De facto Unattended Children* was issued. By 2020, 253,000 de facto unattended children had been included in the scope of security, the average standard security allowance was RMB 1140 per person per month. The orphan security system has been further improved.

The implementation of the *Anti-domestic Violence Law* and the *Amendments (IX) and (XI) to the Criminal Law* steps up the punishment for child abuse, abduction and sexual assault. The systems for rescuing abducted children, helping children search for lost parents and adopting children and the mechanism for rapid search for missing children have been established. The punishment for buying abducted women and children is increased. Manipulating minors to turn them into vagrants and beggars and coercing deaf and dumb teenagers to commit theft are cracked down.

The crime of child abduction is effectively curbed. The “Internet + anti-abduction” work is paying off. In May 2016, the Ministry of Public Security created a platform for emergency report of the whereabouts of missing children. In 2021, public security organs across the country sent 10,932 missing and abducted children back home. With the help of the new big data technology and the combination of DNA comparison and portrait comparison, the police’s ability to clear up cases has been strengthened, and a large number of historical cases were cleared up.

Every attention is paid to reducing the number of arrest, prosecution and imprisonment of juvenile suspects. Reform is made of the working mechanism in relation to the trial of minors and children-related family cases, and a mechanism has been established to link up judicial and administrative protection of children. Efforts are made to do well in community-based correction of juvenile delinquents. By 2020, the non-arrest rate of suspected juvenile delinquents was close to 40%.

Education is the top priority of the work related to children. The nine-year compulsory education is universal and the quality of education is constantly improved in China. Serious problems such as overwhelming and difficult exams and improper purpose of exam results in some areas and compulsory education schools contradicted the orientation of quality education, imposed excessive burden and pressure on students, and harmed their physical and mental health. The Ministry of Education has implemented the “double reduction” policy since 2021 to resolutely solve these problems. The “double reduction” policy specifically means reducing the burden of excessive homework and off-campus tutoring for students undergoing compulsory education. This is an arduous task that calls for a change in the perception of education on the part of school, family and society and formation of a new interactive relationship between teaching and learning. On February 25, 2022, information from the Ministry of Education showed that the training market for primary and secondary school students has greatly shrunk and basically disappeared, with capital being withdrawn significantly. The number of offline off-campus training agencies decreases from 124,000 to 9728, down 92%; the number of online off-campus training agencies decreases from 263 to 34, down 87%; schools extend the duration and improve the quality of after-class services; some parents find themselves less anxious, and the students are relieved from burden. Many children report that now they have more free time after school and are able spend more time on outdoor activities, sports, entertainment and hobbies on weekends and holidays.

Family education is taken seriously in China. In October 2021, the Standing Committee of the National People’s Congress passed the *Law on Family Education Promotion*, which marked a legislative innovation.

On January 6, 2022, the People’s Court of Tianxin District, Changsha City, Hunan Province heard a dispute over custody change and, to cope with the guardian’s neglect of duty, issued the first “Family Education Order” in China after the *Law on Family Education Promotion* came into effect. The details of the case were as follows. In August 2020, the plaintiff Hu and the defendant Chen divorced by consent and agreed to put their daughter Hu Junior in the custody of her mother, the defendant Chen. One month later, because the defendant remarried, she had not sent her daughter to school for two or three weeks. Since December 10, 2020, the plaintiff hired a full-time nanny to live with his daughter, while he lived in a country villa 20 km away. The nanny took care of the daughter alone, and the defendant met the child every weekend. The plaintiff Hu claimed that the defendant Chen failed to fulfill the obligation of raising their daughter as agreed after the divorce, so he sued Chen to the court, requesting the court to put the daughter in his custody. When asked at the court, Hu Junior said that she would prefer to live with her mother Chen. After the trial, the court held that the plaintiff Hu and the defendant Chen still had the obligation to support, educate

and protect their minor daughter Hu Junior even though they divorced. Both the plaintiff and the defendant in this case were negligent of their parenting obligation and guardianship duty, and they ignored the physical, psychological and emotional needs of their daughter. Considering that Hu Junior expressed the willing to live with her mother, the defendant, the court rejected the plaintiff's claim. At the same time, the court held that the defendant Chen was negligent of her family education duty by letting the plaintiff hire a nanny to take care of the young daughter alone without justifiable reasons. According to the relevant provisions of the *Law on Family Education Promotion*, her negligence shall be corrected. The ruling required Chen to pay more attention to the physical, psychological and emotional needs of her daughter and to contact and communicate more with her school teachers so as to keep abreast of her status. The court also required Chen to live with her daughter and keep her daughter accompanied by herself or her close relatives so that she would practically perform the guardianship duty and assume the main responsibility for family education. Hu Junior shall not be left to live with the nanny alone, according to the verdict of the court.

6.3.3 Special Challenges

China is also faced with some special challenges in the protection of the rights of the child. Only by facing up to and overcoming these challenges, can it further improve and increase the level of the protection of the rights of child. Several important challenges are summarized by the author as follows.

First of all, changes in population policies have driven up the demand for social services related to children. On October 29, 2015, China implemented the universal two-child policy that allowed a couple to have two children, which meant that China abandoned the "one-child policy" that it had implemented for 35 years on the basis of adhering to the basic state policy of family planning. On July 20, 2021, the *Decision of the CPC Central Committee and the State Council on Optimizing the Family Planning Policy to Promote the Long-term Balanced Development of the Population* was officially released, making the official start of the three-child policy in China. The increasing total newly-born population resulting from the implementation of the "two-child" and "three-child" policies has brought new pressure on the maternal and child health care, health infrastructure, and compulsory education in the country. New problems in children's protection will appear in China, including: more older and high-risk pregnant women, and higher incidence of neonatal birth defects; the shortage of maternal and child health care resources in cities and relatively backward infrastructure in health service institutions; the tension between supply and demand of early childhood education resources, "deficit" in the number of kindergartens in some cities, and difficulty for some children to get admitted into kindergartens. Active measures are being taken across the country to cope with the impact of more births.

Secondly, effective care for left-at-home rural children remains a critical problem in China. In the *Opinions on Strengthening the Care and Protection for Left-at-home Rural Children* released by the State Council in February 2016, left-at-home rural children are defined as the children “who are under 16 years of age and are left at home when both of their parents migrate to urban area for work or when one of their parents does so while the other parent is not able to perform the custody duty.” By 2020, there were 6.436 million left-at-home rural children, down 28.6% from 2016. From late March to late July 2016, the Ministry of Civil Affairs, the Ministry of Education, and the Ministry of Public Security jointly carried out a nationwide survey of left-at-home rural children for the purpose of fully knowing the number, size, distribution areas and composition of this group and obtaining first-hand basic information about their family members, daily life care, education and schooling. Such information was used to refine and improve the care and protection policies and measures for left-at-home rural children, to strengthen the allocation of care services and resources integration, and to provide basic data support for establishing a detailed, complete and dynamically updated database and a sound information reporting mechanism for left-at-home rural children. In the long term, the most fundamental key to the problem of left-at-home rural children is reducing their number and preventing any rural child from being left at home. Reuniting and living with parents is a child’s right and is most conducive to his or her growth. On the one hand, farmers should be encouraged to farm, work or start businesses in their hometowns; on the other hand, the governments should allow migrant workers to work in new cities with their minor children more conveniently and have more equitable access to education, medical care and other social services by creating conditions and reforming the household registration system, social security and education policies.

Thirdly, the rights of girls should be given more attention. The Chinese tradition prefers boys over girls, and this outdated mentality will still haunt society. Chinese laws and policies clearly prohibit gender-based discrimination and discrimination against girls. The Chinese government and all sectors of society always attach importance to and advocate the care and protection of girls, because this is conducive to creating a social climate of gender equality and to correcting and eradicating the discriminatory customs. The state maintains a special action to crack down on, investigate and punish identification of the sex of a fetus for other than medical purposes and termination of pregnancy in the case of a female fetus, and this action has achieved remarkable results. Since 2009, China has witnessed its sex ratio at birth decline continuously on a healthy development trend. According to the main statistics of the seventh national census released on May 11, 2021, the sex ratio of the total population (the ratio of men to women for every 100 women) was 105.07, which was basically the same as but slightly lower than the sex ratio in 2010. The sex ratio at birth was 111.3, down 6.8 from 2010. The gender structure of China’s population continues to improve.

In a word, the protection of the right of the child in China has made great progress in terms of conception, awareness, system and practice, but it is also faced with new opportunities and challenges in the new era. In general, the rights of the child are widely and highly regarded by the government and society. Laws and systems in this

regard are constantly improved, and the whole society is motivated to participate and promote protection of the right of the child. The rights of the child are under more comprehensive and obvious higher-level protection.

Chapter 7

Rights of the Elderly



7.1 New Vision on the Protection of the Rights of the Elderly

7.1.1 *The Global Ageing Challenge*

In the twentieth century, the life expectancy of the global population changed dramatically. The average life expectancy increased by 20 years compared with 1950–66, and it is expected to increase by another 10 years by 2050. This represents a great achievement from the progress in human society and civilization, but challenges follow as well.

Global demographic changes have profound influence on individuals, communities, domestic societies, and the international community in all aspects—socially, economically, politically, culturally, psychologically and spiritually.

China is no exception, and population ageing has become a severe problem in the country. It is generally believed that an ageing society occurs when the elderly population aged 60 and above accounts for 10% of the total population. By the end of 2017, the elderly population aged 60 and above in China had been 241 million, accounting for 17.3% of the total population; China has entered an ageing society since 1999.

According to the seventh national census, the elderly population aged 60 and above in China stood at 264 million by November 2021, accounting for 18.70%. It is expected that it will peak at 487 million, or 34.9% of the total population, by around 2050. In the next few years, China will witness the rapid development of population ageing, along with characteristics of accelerating ageing, seniority, and empty nesting.

A common debate among the Chinese is how to deal with getting old before getting rich. Population ageing is developing rapidly and alarmingly in China. It can be understood as having more social members who live a healthy and long life and

at the same time bringing about increasingly noticeable demand for the rights of the elderly that must be met through social participation and proper care.

The age discrimination, neglect and even violence suffered by the elderly affect human rights in many ways. Inherently, the elderly are physically, psychologically, behaviorally and economically vulnerable, and the intensified ageing trend in society simply aggregates the problem.

7.1.2 Protection of the Elderly Under the Perspective of Human Rights

The academic literature at home and abroad includes abundant studies on the elderly, but shows much less interest in the human rights of this population group. This shows that the human rights of the elderly are a new field, or one that has been neglected for a long time.

The problem of population ageing can be approached from different angles. Economists and social management scholars observe and analyze it from the perspective of economics, while the legal community addresses it more from the perspective of human rights. Of course, laws must be built on some theoretical and economic basis, and it may be nothing but a mere scrap of paper once it ignores the national conditions. However, laws are by no means a blind and passive reflection of reality; on the contrary, they can actively promote a concept or behavior pattern in society. In coping with population ageing, laws can recognize and advocate a benign social culture of respecting and helping the elderly, reflect and carry forward the excellent traditional Chinese culture—filial piety, and consolidate an effective social experience model for responding to the ageing problem, for example, new visions and models of the rights of the elderly resulting from the new perspective of human rights.

The *Vienna International Plan of Action on Ageing* was adopted at the First World Assembly on Ageing at Vienna held from July 26 to August 6, 1982. This instrument has dominated the thinking and action directions of the international community on the issue of ageing for decades.

In 1990, a resolution was adopted at the 45th United Nations General Assembly to make October 1st as “International Day of Older Persons” from 1991.

The *United Nations Principles for Older Persons* (Resolution No. 46/91) was adopted at the United Nations General Assembly on December 16, 1991. The General Assembly encouraged governments to incorporate these principles into their national program wherever possible. These principles directly related to the human rights of older persons, including independence, participation, care, self-fulfillment and dignity.

The 52nd session of the United Nations General Assembly in 1997 adopted a resolution to celebrate the International Year of Older Persons, calling on public attention to and concern about the issue of population ageing and requesting all countries to

establish or strengthen national coordination agencies on the issue of ageing, formulate comprehensive strategies at the national, regional and local levels, incorporate the issue of ageing into social development plans, and make preparations for the advent of an ageing society. The UN International Year of Older Persons 1999 proposed the unifying theme “towards a society for all ages.” Among the core concerns for further attention are: lifelong individual development, multi-generational relations, population ageing, and the situation of older persons. The International Year of Older Persons helps to raise awareness, promote research, and strengthen policy actions worldwide, including the incorporation of the issue of ageing into departmental work and the creation of due opportunities at every stage of life.

The Second World Assembly on Ageing occurred in Madrid, Spain, on April 8–12, 2002. It comprehensively reviewed the outcomes of the First World Assembly on Ageing in 1985, analyzed and discussed the issue of ageing under the new situation, and proposed to march “towards a society for all ages”. As an outcome of this assembly, the *Madrid International Plan of Action on Ageing* embraces some important issues about the human rights of older persons. It focuses on three priority areas: older persons and development; advancing health and well-being into old age; ensuring enabling and supportive environments. Life security for older persons depends largely on progress in these three priority areas. The purpose of these priority areas is to guide policy development and implementation in order to achieve the specific goal of adapting to an ageing world, so that gains and losses can be measured by the level of social development, the quality of life of the elderly, and the continuity of the institutions that sustain lifelong well-being.

In December 2010, the Open-Ended Working Group on Ageing was created. In April 2011, it held the first session at the United Nations Headquarters. Overall there was recognition of the particular nature of some human rights challenges faced by older men and women that have thus far not been adequately addressed. Some delegations called attention to the weaknesses of a fragmented norm and standard system in providing effective protection. Furthermore, some delegations, as well as NGOs and some experts, called for a binding instrument. These actions put the drafting of a convention on the rights of older persons on the agenda of the United Nations.

In August 2012, UN Human Rights Office proposed an unnumbered analytical outcome paper entitled *Normative Standards in International Human Rights Law in Relation to Older Persons*. According to the paper, the normative legal standards of human rights protection related to older persons therefore require to be developed within a comprehensive framework recognising the indivisible, interdependent and interrelated nature of the rights it seeks to protect.

It should be noted that all human rights are integrated as a whole and access to the human rights stipulated by law should be universal to all, including older persons. To examine and analyze the situation and needs of older persons through the perspective of human rights and to keep them “properly cared for and meaningfully occupied”, as the Chinese often put it, serve the purpose of allowing older persons to better enjoy a happy old age—and achieve the goal of “letting sunset glow”.

The Chinese government attaches importance to the protection of the rights of the elderly not only within its territory but also at the international level. China always takes the issue of social development seriously and takes active part in multilateral social development activities. In 1989, China was elected as a member of the United Nations Commission for Social Development for the first time and attended its 31st session. Since then, Chinese delegations have been regular attendees. In 1995, China actively participated in the World Summit for Social Development held in Copenhagen, Denmark, and contributed to the success of the summit.

The Chinese government always supported the creation of the Open-Ended Working Group on Ageing at the United Nations General Assembly. At the First Session of the Working Group held in April 2011, the Chinese delegation expressed the following views on protecting the rights of the elderly in the world:

First, the principle of differentiation should be stressed. Countries are diverse in terms of economic and social conditions as well as historical and cultural traditions. Member states should address the ageing issue on the basis of their national conditions and different development levels, make full use of existing mechanisms and resources and take practical measures to improve the wellbeing of older persons.

Second, we should view the ageing issue from a development perspective. Ageing is first and foremost a development problem. Economic and social development has always been and will remain the prerequisite for the wellbeing of older persons as well as the protection of rights for older persons. Member states should view the older person's rights in a comprehensive and balanced way. Attention to the rights of older persons as individuals should not be at the expense of their collective rights. Likewise, the protection of civil and political rights of older persons must go hand in hand with the protection of their economic, social and cultural rights.

Third, international cooperation on ageing should fully accommodate the concerns of developing countries. Against the backdrop of accelerated ageing around the globe, developing countries will face even greater challenges in coping with their ageing issues. The international community should strengthen cooperation, pay attention to the unique circumstances and difficulties of developing countries, and address their legitimate concerns. Developed countries should provide necessary financial and technical support to help developing countries tackle ageing issues.

Fourth, the Working Group should carry out its work step by step within the scope of the mandate of the General Assembly resolution. At present, major differences still exist regarding whether to draft a convention on the rights of the older persons. The Working Group should adhere to the fundamental principles reflected in UN development goals, policy documents and legal instruments concerning ageing. The Working Group can discuss such basic topics as the ageing trends of countries, the current situation of older persons' rights and the existing protection mechanisms, in order to summarize experiences, identify gaps, and gradually garner consensus.

So far, no substantive progress has been made in the drafting of the *Convention on the Rights of Older Persons*. However, in terms of the protection of the rights of the elderly, it has been recognized in the international community that it is crucial to treat the civil and political rights and the economic, social and cultural rights equally, to full respect the economic development levels and the historical and cultural traditions of different countries, and to establish and practice the new visions of the elderly and their human rights.

7.2 Legal Basis and Policy System for the Protection of the Rights of the Elderly

7.2.1 Legal Basis

Chapter 2 of the current *Constitution* of the PRC formulated in 1982 contains provisions on the “Fundamental Rights and Obligations of Citizens”. Most of the provisions are related to the elderly, including gender equality, freedom of religion, and freedom of the press. The most relevant three provisions are as follows: (1) Paragraph 2 of Article 33 stipulates that “All citizens of the People’s Republic of China are equal before the law.” (2) Paragraph 3 of Article 33 stipulates that “The state respects and protects human rights.” Paragraph 1 of Article 45 stipulates that “Citizens of the People’s Republic of China shall have the right to material assistance from the state and society when they are aged, ill or have lost the capacity to work. The state shall develop the social insurance, social relief, and medical and health services necessary for citizens to enjoy this right.” Paragraph 4 of Article 49 stipulates that “Infringement of the freedom of marriage is prohibited; mistreatment of senior citizens, women and children is prohibited.” These provisions lay the fundamental legal basis for the protection of the rights of the elderly in China.

The *Law on Protection of the Rights and Interests of the Elderly* adopted by the Standing Committee of the National People’s Congress on August 29, 1996 was the special legislation for protecting the rights of the elderly. To keep up with the times, the *Law on Protection of the Rights and Interests of the Elderly (Revised Draft)* was first submitted for deliberation of the Standing Committee of the National People’s Congress on June 26, 2012 and was adopted on December 28. Article 1 sets forth the purpose of the law for protecting the rights of the elderly: “This Law is enacted in accordance with the *Constitution* to protect the lawful rights and interests of the elderly, develop the undertakings related to the elderly and promote the Chinese people’s virtues of respecting, providing for and helping the elderly.” Article 2 defines “the elderly” as citizens at or above the age of 60. Article 4 sets forth the goal of work for the elderly as “letting the elderly properly cared for, medically looked after, meaningfully occupied, culturally updated and leisurely amused.” Article 6 stipulates that “The people’s governments at various levels shall incorporate the undertakings related to the elderly into the plans for national economic and social development, include the funds for the undertakings related to the elderly in the financial budget, establish a stable funding guarantee mechanism, and encourage all sectors of society to make investments, so that these undertakings and the economy and society develop in a coordinated manner.” These legal provisions indicate the requirement of mainstreaming the protection of the rights of the elderly.

The revised *Law on Protection of the Rights and Interests of the Elderly* is expanded from 6 chapters and 50 articles to 9 chapters and 85 articles, with the addition of 3 chapters and 37 articles. Such “thorough revision” of the law manifests the courage and wisdom of the whole society to cope with the challenges of

population ageing. The main points of the revision include: (1) Responding to population ageing has become a national long-term strategic task; (2) Spiritual support for the elderly should be taken seriously; (3) The legitimate rights and interests of the elderly in property and other aspects should be protected by law; (4) The nursing care allowance system for the elderly who cannot carry out essential self-care and the advanced-age allowance system should be incorporated into legislation; (5) The elderly's access to social services should be protected by law; (6) The state should promote the construction of friendly environments for the elderly.

7.2.2 Policy System

In October 1999, the State Council of China established the National Working Commission on Ageing (NWCA), a deliberation and coordination agency in charge of the work related to ageing in the country. Composed of more than 30 members including different ministries and commissions of the CPC Central Committee and the State Council, as well as nationwide people's organizations and China National Committee on Ageing, the NWCA is mainly responsible for: (1) studying and formulating development strategies and major policies on undertakings for the aged, and coordinating and promoting departments concerned to implement the development plans of undertakings for the aged; (2) coordinating and promoting departments concerned to protect the rights and interests of the elderly; (3) coordinating and promoting departments concerned to strengthen macro guidance and comprehensive management of work related to the aged, and promoting different activities that are beneficial to the physical and mental health of the elderly; (4) guiding, supervising and inspecting the work related to the aged in all provinces, autonomous regions, and municipalities directly under the Central Government; (5) organizing and coordinating major activities related to the aged that are sponsored by the United Nations and other international organizations to be held in China. Since August 2005, the office of NWCA has worked together with the China National Committee on Ageing to handle official affairs jointly.

These national plans formulated by the Chinese governments include special chapters setting forth "the rights of the elderly". Concerning the rights of the elderly, the *National Human Rights Action Plan of China (2012–2015)* released by the State Council Information Office under the authorization of the State Council on June 11, 2012 emphasizes the implementation of the *Law on Protection of the Rights and Interests of the Elderly*, gradual improvement in the social security system for the elderly, progress in the construction of the elderly service system, and safeguarding of the legitimate interests of the ageing population. The *National Human Rights Action Plan of China (2016–2020)* released on September 29, 2016 put forward the overall requirements on the rights of the elderly as follows: "The social value to respect, provide for and help the elderly shall be carried forward, and mutual care projects for the elderly shall be undertaken. A mechanism to address population ageing shall be developed to effectively protect the legal rights and interests of elderly people."

Built on the previous versions, the current *National Human Rights Action Plan of China (2021–2025)* raises higher and more comprehensive goals for the protection of the rights of the elderly: “The state will improve its protection of the rights and interests of the elderly, and ensure care, support, recreation, and self-fulfillment for them.”

In February 2022, the State Council issued the “*14th Five-Year Plan*” for the *Development of National Ageing Cause and Service System for the Aged*, focusing on promoting the cause of ageing to develop in coordination with the industry, promoting the high-quality development of the service system for the elderly, and clarifying the overall requirements, main goals and tasks during the “14th Five-Year Plan” period. According to the *Plan*, population ageing is an objective trend of the development of human society. With a solid material foundation, sufficient human resources and a long-standing culture of filial piety, China is fully qualified, capable and confident solve its ageing population issue. It should also be noted that China has a large ageing population and witnesses a rapid ageing speed in its society. Subsistence-based demand of the elderly is gradually giving way to a model directed towards greater fulfillment. The importance and urgency of the undertakings related to the elderly and the service system for the elderly have become increasingly prominent, and the tasks are getting more arduous.

The *Plan* emphasizes the importance of adhering to the leadership of the party committee, the guidance of the government, social participation, and public actions, implementing the national strategy to actively respond to population ageing, focusing on improving the social security, services and the health support system for the elderly at a quicker pace, integrating a positive attitude towards ageing and the concept of healthy ageing into the entire process of economic and social development, and enabling the elderly to share China’s developmental achievements and enjoy a happy old age. It lists nine specific indicators, such as the number of care beds and the ratio of nursing care beds in care institutions, and assigns nine detailed tasks, including strengthening social security and the safety net for elderly services, expanding inclusive services coverage, strengthening the home-based and community-based care services for the elderly, improving the health support system for the elderly, developing the “silver economy”, practicing a positive attitude towards ageing, creating an elderly-friendly social environment, strengthening the support system for development factors, and safeguarding the legitimate interests of the ageing population. The *Plan* also includes special columns to elaborate the initiatives to empower public elderly care institutions, to better combine medical care with maintaining good health, to provide smart assistance for the elderly, and to build talent teams.

7.3 More Effective Protection of the Rights of the Elderly

7.3.1 *The Right to Social Security*

China strives to establish an old-age service system which is based on individual families, backed by the communities, supplemented by different institutions, boasts a more complete range of functions, is of an appropriate scale, covers both urban and rural areas and combines medical treatment with endowment care. China fully opens the old-age service market, and encourages various market players to increase the provision of old-age services and products by multiple means such as buying services and equity cooperation.

By late 2020, there had been 319,000 old-age service institutions and facilities across the country, and old-age services had been provided in basically all of urban communities and more than 50% of rural communities.

By late 2021, the basic pension scheme had covered 1.03 billion people nationwide. From January 2022, the government began to bring pension schemes under national unified management. This means that the current surplus and deficiency of regional pension insurance funds will be balanced nationwide to ensure more secure pensions in needy areas. As a developing country, China has coordinated pension insurance funds from the county-level and progressively upward since the pension insurance system was established in the 1990s. The central surplus-deficiency balancing system, which was implemented from 2018 to 2021, resulted in a total of more than RMB 600 billion funds balanced among provinces, including RMB 210 billion in 2021, to moderately ease inter-provincial pension insurance fund burden.

7.3.2 *The Right to Health*

The right to health is a basic human right of the elderly. China has improved the system of old-age medical care service combining prevention with treatment and boasting diversified development. The accessibility of health care services to the elderly and their health management rate has been improved.

On October 28, 2019, 8 departments including the National Health Commission jointly printed and distributed the *Guiding Opinions on Establishing and Improving the Health Service System for the Elderly*. Efforts are made to take an action to promote the health of the elderly and implement a psychological care project for them. The supply of basic public health services for the elderly has been strengthened. By 2019, more than 100 million older persons over the age of 65 in the country had been put under health management. The *Civil Code* formulated in 2020 further clarified the legal adult guardianship system and the appointed adult guardianship system. In 2020, the average life expectancy in China was raised to 77.9.

On March 7, 2020, more than 80 cured patients were discharged from the Optics Valley Branch of the Maternity and Child Healthcare Hospital, Hubei Province, and the eldest one was an old man who had just celebrated his 100th birthday. On February 22, the old man Mr. Wang was tested positive for the COVID-19 and was transferred to the hospital from a nursing home. He had long suffered from underlying diseases such as hypertension, coronary heart disease, and severe Alzheimer's disease. The hospital created a team of experts to customize the treatment plan. The recovery of this centenarian from the COVID-19 was a great encouragement to medical workers and the public.

7.3.3 Strengthen Preferential Treatment and the Construction of Friendly Environments for the Elderly

People's governments at all levels establish and improve the preferential treatment policy for the elderly in all respects, and the elderly enjoy preferential treatment and convenient services in health care, transportation, etc.

Policies, regulations and normative standards in relation to livable environment for elderly people are established and improved. Continuous efforts are made to increase the barrier-free rate in newly-built public facilities and facilities geared toward elderly people, and press forward with the development of an environment friendly to the elderly people. The state has issued the *Standard for Urban Residential Area Planning and Design*, *Standard for Planning of Urban and Rural Facilities for the Aged*, *Code for Design of Building Fire Protection*, and *Standard for Design of Care Facilities for the Aged*. Efforts are made to forge ahead with the construction of public cultural facilities for the elderly. More public cultural facilities for the elderly such as cultural stations and schools have been built, and 50% of villages and towns (sub-districts) have schools for the elderly.

Nowadays, many elderly people love sports. On January 20, 2022, Reuters reported on a group of "old boys" who are ice hockey fans in Anshan, Liaoning Province, in Northeastern China. They also often play games with other elderly ice hockey fans in Shenyang, Dalian and Liaoyang in the province. These games were sponsored and supported by businesses. Without a regular indoor ice rink, they play on frozen ponds and lakes in city parks. The cold local winters never cools down the passion of these elderly hockey amateurs.

7.3.4 The Rights to Participation, Education, Employment and Culture

Social organizations for the elderly flourish, the coverage of grassroots elderly people's associations is further expanded in urban and rural communities, and their will and level of participation in social development are enhanced.

Public cultural facilities at different levels and of various types are basically open to the elderly for free. By 2019, there had been 3196 public libraries and 44,073 public cultural institutions across the country. Service projects friendly to the elderly were universal. By 2020, there had been more than 70,000 universities (schools, learning venues) for the elderly at all levels across the country, and 29 provincial-level open universities for the elderly had been built. The Alliance of University of the Third Age included 221 member units. Learning venues for further education of the elderly were built in 46,698 villages (communities) all over the country. There were about 550,000 grassroots elderly associations and more than 16 million registered elderly volunteers nationwide.

In 2012, Mr. Ji Wanrong retired from China Railway Jiuqiao Bridge Engineering Co., Ltd. Now, dressed in work clothes, he still moves among construction sites of various bridge projects to give guidance. Ji Wanrong said, "Although I retire, my ability, enthusiasm and ambition do not." He used to participate in developing equipment needed for bridge building for many times and has rich experience in the installation of gantry cranes. In practice, many young people in the project department have little experience and knowledge about which parts of the gantry crane are prone to potential safety hazards. How to choose measurement points that can reduce orbital measurement errors? Under what circumstances does rail gnawing occur easily? What kinds of weather conditions are likely to cause brake failure? To what extent does the wear of parts necessitate brake replacement? ... When these questions are raised by young people, Ji Wanrong always answers them patiently. "Young people have a quick wit and many ideas, and I have learned a lot from them!" He often says, "I benefited from my masters and my company to learn all the skills, and my duty is to pass on my knowledge and experience to the next generation, without reservation."

Mr. Wang Dianbao, from Xingfu Community, Haizhou District, Lianyungang City, Jiangsu Province, has been protecting birds for many years. After retirement, he has been devoted to bird protection. He often drives around Haizhou Bay to save birds from clapnets. By January 2022, he has rescued more than 1000 birds in total. He also told the importance of loving and protecting birds to children at schools, and his lectures are very popular.

The elderly take active part in grassroots democratic governance, civil mediation, and cultural, educational and health activities as volunteers. On the basis of national policies, several local governments have issued five-year development plans for undertakings related to the elderly. According to the *"14th Five-Year Plan" for the Development of Undertakings Related to the Elderly in Beijing Municipality* released in November 2021, registered elderly volunteers will account for 30% of the total elderly population by 2025.

The Chinese government attaches great importance to the development of human rights endeavors. As a country with a long history, excellent cultural traditions and a large population, and a developing country undergoing a significant and influential ageing trend, the protection of the human rights of the elderly is an important part of the human rights endeavors in China.

Chapter 8

Rights of Persons with Disabilities



8.1 New Perception of the Rights of Persons with Disabilities

8.1.1 *China Actively Advocates the Rights of Persons with Disabilities*

During the mainstreaming of human rights protection, the rights of persons with disabilities were recognized and advocated and especially the protection system in this regard was strengthened and improved in both the international community and the domestic society in a relatively late stage. The Millennium Development Goals set at the Millennium Summit of the United Nations in September 2000 associated development with human rights closely. It was one of the most important UN social development agendas in the international community, but it did not include any development indicator on the rights of persons with disabilities; as we know, the *Convention on the Rights of Persons with Disabilities* was adopted at the General Assembly in December 2006, 60 years after the founding of the United Nations, as one of the core UN human rights conventions drafted and enacted in a late stage. These two facts clearly indicate the late recognition of the rights of persons with disabilities.

However, once a new perception was formed, and after new international standards on the rights of persons with disabilities were established and valued by the United Nations and its member states, rapid progress has been made in the international and domestic laws under the active advocacy of different international and domestic actors.

As a developing country with a large population, China has more than 85 million disabled people who involve 260 million family members, but the overall social security system is still under reform and continuous improvement. With economic development and social progress, the protection of the rights of persons with disabilities is faced with both opportunities and challenges.

It is noteworthy that China was a strong advocate of the UN *Convention on the Rights of Persons with Disabilities*. It also actively implemented the *Convention* after ratifying it and strongly advocated the protection of the rights of persons with disabilities domestically.

In December 1979, the United Nations General Assembly adopted the resolution on making 1981 the “International Year of Disabled Persons” (IYDP) and the corresponding activity plan. The main spirit of IYDP was full integration and participation, and the purpose was ensuring that issues of persons with disabilities were included in the daily work of UN agencies. In response to the IYDP activities sponsored by the United Nations and to further advocate the protection of the rights of persons with disabilities, China established a special “China Organizing Committee of IYDP” and organized various commemorative events in April and July 1981.

China has been taking active part in and making important contributions to international and regional cooperation in affairs related to persons with disabilities. China has supported and implemented the *World Programme of Action Concerning Disabled Persons* and the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* since 1980s. China has actively contributed to the three “Asian and Pacific Decade of Persons with Disabilities” campaigns during the period from 1993 to 2022, and is also committed to establishing regional exchange and cooperation mechanisms on matters related to persons with disabilities.

Since the 1990s, China has called for the formulation of the *Convention on the Rights of Persons with Disabilities* on many international occasions, and exchanged views extensively with the UN Secretary-General Kofi Annan, as well as other people including former officials of the Office of the High Commissioner for Human Rights and the European Union who were in charge of matters related to persons with disabilities. In March 2000, China invited the persons in charge of matters related to persons with disabilities or representatives of the World Blind Union, the World Federation of the Deaf, Inclusion International, Rehabilitation International, and Disabled Peoples’ International, as well as more than 10 countries on all continents to the “Conference of Leaders of World Non-Governmental Organizations for Persons with Disabilities” in Beijing, and the outcome of the conference was the *Beijing Declaration* that called on the international community and governments of all countries to pay more attention to the situation of persons with disabilities and the United Nations to formulate an international convention to protect the rights of this population group. The *Beijing Declaration* caused great sensation in the international community and played a positive role in promoting the United Nations to start the process of convention formulation.

China was one of the sponsor countries for the *Convention on the Rights of Persons with Disabilities*. In drafting the *Convention*, the Chinese government attached great importance to the protection and full realization of the rights of persons with disabilities, and held a positive attitude towards the *Convention*. In late 2003, China submitted its proposal to the United Nations, suggesting that the *Convention* should place equal emphasis on human rights and social development and unify rights with measures. The Chinese government also sent a delegation to participate in the meeting of convention drafting. At the meeting, the Chinese delegation maintained that in line

with the spirit of the relevant resolution adopted at the UN General Assembly on the establishment of the Special Committee on the Convention, a convention to comprehensively protect and promote the rights of persons with disabilities should be drafted in consideration of different aspects such as social development, human rights and anti-discrimination, but the specific provisions of the convention should take into account the different situations of countries and stress the gradual realization of obligations, so that the convention can be widely accepted and effectively implemented by all countries to truly promote and protect the rights of persons with disabilities. It can be seen that China has associated development closely with human rights since the initial step was taken to formulate the international convention.

On March 30, 2007, the *Convention on the Rights of Persons with Disabilities* was opened for signature at the United Nations Headquarters in New York. On that day, the Permanent Representative of China to the United Nations and Ambassador Extraordinary and Plenipotentiary Wang Guangya solemnly signed the *Convention* on behalf of China. The Chinese government was one of the first signatories.

On June 26, 2008, the Chinese government officially ratified the *Convention on the Rights of Persons with Disabilities* and became the 33rd contracting state. On August 31, the *Convention* came into effect for China.

8.1.2 New Perception of the Rights of Persons with Disabilities

On November 10, 1981, the People's Postal Service of China issued the commemorative stamp for IYDP. The main picture of this stamp is a green earth, symbolizing peace and hope. Below the earth are hands in yellow, white and black, symbolizing peoples in different skin colors in the world. The earth is marked with the emblem of IYDP, surrounded by two olive leaves. Three hands in different skin colors hold the emblem high, symbolizing the hope and pursuit of disabled people from all over the world for equal status and full participation in social life. It should be noted that since China had not widely carried out the work related to persons with disabilities and established a standard concept of this population group, the term "maimed people" was used at that time, as it had always been accepted in the Chinese society in spite of the derogatory and discriminatory nature. This term remained in use until the China Foundation for Disabled Persons was founded in 1984.

So far, the addressing of disabled persons has remained a controversial issue. The term "disabled persons" coined in the existing Chinese laws and policies seems inaccurate and inappropriate as it still alludes to defects and diseases. Some institutions and individuals use the term "handicapped" intended to clarify that a disabled person is not necessarily a patient but being physically disabled. However, it still sounds uncomfortable.

The legal definition of persons with disabilities is important, as it means who should be protected by laws and policies on persons with disabilities. In this regard,

the *Convention on the Rights of Persons with Disabilities* provides an international new legal concept of persons with disabilities.

The *Convention on the Rights of Persons with Disabilities* is the first comprehensive human rights convention adopted in the international community in the twenty-first century and the first human rights convention open to signature by regional integration organizations. It is intended to be a human rights instrument that reflects social development and progress, and marks a “demonstrative shift” in the public attitude and approach towards persons with disabilities. The concept of “disability” is the foundation of the *Convention*. It is also one of the focuses for the UN Committee on the Rights of Persons with Disabilities, the treaty body responsible for monitoring the international implementation of the *Convention*.

The preamble of the *Convention on the Rights of Persons with Disabilities* describes the overall characteristic of persons with disabilities as “Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.” According to Paragraph 2 of Article 1 concerning the purpose of the *Convention*, “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” The *Convention* emphasizes the importance of external attitudes and the environment, as well as the interaction between persons with disabilities and the outside world and the environment. This concept echoes the social model of disability raised by British scholars specialized in disability studies in the 1980s. The medical model tries to explain the cause of disability and handicap as loss of physical functions and easily results in a stereotype that rehabilitation is the only solution to recovery of equality and normal life. However, the social model interprets disability as not only a personal problem but also a result of social factors. It further indicates the necessity of adjusting the social environment and systems to meet the needs of persons with disabilities and reduce the barriers they face.

According to the definition in Article 2 of the *Law of the People’s Republic of China on Protection of Disabled Persons*, “A disabled person refers to a person who suffers from the loss or abnormality of a certain organ or function, psychologically, physiologically or in human structure, and has lost all or in part the ability to normally carry out certain activities.” As in many countries, this definition focuses on the characteristics of disabled persons, regardless of disease or injury, and recognizes corrective rehabilitation as the main coping method.

Objectively speaking, the operational definition of disabled person is related to the specific national conditions of a country. It is associated with social concept and perception on one hand, and the level of socioeconomic development and the social security ability on the other hand. We may find that the statistics of disabled persons reported by different countries to the United Nations are actually incomparable, because the specific and operational identification and recognition of disabled persons in the legal and policy sense is done varies with definition and standard.

The purpose of the *Convention* is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and the core is to promote respect for their inherent dignity. The principles of the *Convention* further reflect the shift in the attitude and approach towards persons with disabilities: (1) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (2) Non-discrimination; (3) Full and effective participation and inclusion in society; (4) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (5) Equality of opportunity; (6) Accessibility; (7) Equality between men and women; (8) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

The *Convention* represents a new concept and culture for the protection of the rights of persons with disabilities. Under the purpose and goal of safeguarding the rights of persons with disabilities, absorbing its spirit and guidance as much as possible and at the same time considering social interaction in the definition of persons with disabilities in laws and policies is of positive and practical significance. Beyond laws and policies, it is also necessary to improve and enhance social awareness and to change the prejudice against and stereotypes about persons with disabilities, both intentional and unintentional, in the whole society.

8.2 Mechanism for the Protection of the Rights of Persons with Disabilities

8.2.1 Institution Building

At the government level, the State Council of China has set up a special working committee for persons with disabilities. Its main responsibilities are coordinating the formulation and implementation of the State Council's guidelines, policies, regulations and plans for undertakings related to persons with disabilities; coordinating and solving major problems in the work related to persons with disabilities; organizing and coordinating important activities of the United Nations related to persons with disabilities in China. The specific work of the committee is undertaken by the China Disabled Persons' Federation.

China Disabled Persons' Federation (hereinafter referred to as "CDPF") plays an important role in undertakings related to persons with disabilities in China and is key to the mechanism for the protection of the rights of persons with disabilities. Founded in March 1988 with the recognition of law and the approval by the State Council, CDPF is a people's organization composed of persons with disabilities, their relatives and friends, and workers for persons with disabilities. It is a national umbrella organization for persons with diverse disabilities. Its purpose is carrying

forward humanitarianism, developing undertakings related to persons with disabilities, promoting the equal and full participation of persons with disabilities in social life, and letting persons with disabilities share material and cultural achievements in society. The CDPF performs three key functions of representation, service, and management: represent the common interests and safeguard the rights of persons with disabilities; unite, help and serve persons with disabilities; perform the duties conferred by law, and, as commissioned by the government, administer and develop disability-related affairs.

The highest authority of the CDPF is the National Congress, which is held every five years. Local branches of the CDPF at all levels, community residents committees, village committees, and enterprises and public institutions with concentrated persons with disabilities are set up according to demarcation of administrative zones in the country. Associations or groups of persons with disabilities are established. From the national level to the local level, disabled persons' federations at all levels play an important role in promoting the development of undertakings related to this special group in China.

8.2.2 Legal and Policy System

China has extensive legislation on the protection of the rights of persons with disabilities. In addition to the *Constitution*, which recognizes the civil rights of this group, there is special legislation focusing on persons with disabilities in China. In April 2008, China revised the *Law of the People's Republic of China on Protection of Disabled Persons*. The law stipulates that "Discrimination on the basis of disability is prohibited" for the first time, highlights the concept of "putting the rights of persons with disabilities first", and states clearly that the state ensures that persons with disabilities can receive rehabilitation services, have equal access to education, have the chance to work, participate in cultural life as equally as normal persons, and enjoy social security in all respects. The law adds a provision on creating a barrier-free environment for equal participation of persons with disabilities in social life, and reinforces the legal responsibility for infringement upon the rights and interests of these persons.

To support this law, the Chinese government also promulgated special regulations including the *Regulations on the Education of Persons with Disabilities*, the *Regulations on the Employment of Persons with Disabilities*, and the *Regulations on the Building of an Accessible Environment*. These regulations contain clearer and more specific provisions on the rights of persons with disabilities to education, employment, rehabilitation and barrier-free environments.

Relying on the law is not enough. The Chinese government has passed a large number of policy documents to specifically implement the provisions of the law.

The year 2008 was a watershed for the social security of persons with disabilities in China. Previously, the social security was more reflected in social assistance, and in most cases the civil affairs departments took the responsibility. It depended heavily on

the level of local economic development and the extent to which the government took persons with disabilities seriously. Such social security could be described as charity. Later, after the CPC Central Committee and the State Council issued the *Opinions on Promoting the Development of Undertakings Related to Persons with Disabilities* in 2008 and the General Office of the State Council forwarded the *Guiding Opinions on Accelerating the Construction of Social Security System and Service System for Persons with Disabilities* to the CDPF in 2010, the Ministry of Education, and the Ministry of Civil Affairs, the government began to establish a systematic social security system and service system for persons with disabilities. These systems are mainly led by local disabled persons' federations, which, on the premise of providing basic social assistance, promote social security and social welfare based on basic pension and basic medical care to benefit persons with disabilities under a welfare model.

A special chapter on the protection of the rights of persons with disabilities, as well as phased measures and work indicators, is found in the *National Human Rights Action Plan of China (2009–2010)* released in April 2009, the *National Human Rights Action Plan of China (2012–2015)* released in June 2012, the *National Human Rights Action Plan of China (2016–2020)* released in September 2016, and the *National Human Rights Action Plan of China (2021–2022)* released in September 2021 by the State Council Information Office under the authorization of the State Council.

It should be particularly noted that the Chinese government implements these “national five-year plans on the undertakings related to persons with disabilities” so as to ensure the implementation of relevant national laws, regulations and related policies, effectively improve the living conditions of persons with disabilities, and realize their basic rights.

In February 2015, the State Council printed and issued the *Instructions on Accelerating the Process Toward Prosperity for Persons with Disabilities*, proposing to establish a break-even security mechanism for the basic livelihood of the disabled, increase the social assistance for persons with disabilities, establish a system to provide living allowances for financially-challenged disabled people and nursing allowances for the severely disabled population and a rehabilitation and assistance system for disabled children, and help persons with disabilities with universal access to the basic pension scheme and the basic medical insurance. In September, the State Council printed and issued the *Opinions on Fully Establish the System to Provide Living Allowances for Financially-challenged Disabled People and Nursing Allowances for Severely Disabled Population*, which proposed for the first time to establish a special welfare allowance system for persons with disabilities at the national level. Benefiting 10 million financially-challenged persons with disabilities and 10 million severely disabled persons, this system has become an important livelihood security system that guarantees basic living needs and break-even security.

In August 2016, the State Council printed and issued the *Outline for Accelerating the Process Toward Prosperity for Persons with Disabilities in the “13th Five-year Plan” Period*, setting the goal of lifting rural impoverished persons with disabilities out of poverty and increasing the average annual growth rate of per capita disposable income of urban and rural households with persons with disabilities to surpass the

social average rate and exceed 6.5% by 2020. Disabled children and adolescents from poor families are provided with 12-year free education covering nine-year compulsory education and three-year high-school education, compared with nine-year free compulsory education for normal children.

In 2021, the State Council printed and issued the “*14th Five-year Plan*” for the *Protection and Development of Persons with Disabilities*, putting forward requirements for the high-quality development of undertakings related to persons with disabilities. The document sets forth four development priorities: social security, employment and entrepreneurship, public services, and protection of rights and interests. The defining feature of the document is that it strengthens the implementation mechanism of the plan and ensures tasks are truly carried out from the formulation of specific schemes to in-process monitoring and post-implementation assessment.

It can be seen that the rights of persons with disabilities become the mainstream of national and social development in China, as reflected in both laws and policies. The right to development is regarded as a top priority of the undertakings related to the protection of the rights of persons with disabilities and is continuously promoted and promoted.

8.2.3 *Special Survey on Persons with Disabilities Nationwide*

The formulation and implementation of laws and policies is inseparable from the understanding of the basic national conditions from the government to the society, including the understanding of the status quo of persons with disabilities and their specific needs. To this end, survey and statistics are important.

The special survey on the basic services and needs of persons with disabilities nationwide was initiated on January 1, 2015. For 3 months and across the country, more than 1 million investigators reviewed the registered persons with disabilities and about 30 million suspected disabled children who have registered without being certified one by one. The focus of the survey was placed on the existing services and basic service needs of persons with disabilities in terms of daily life assistance, social security, rehabilitation services, assistance device services, access to education, employment assistance, fostering and care, poverty reduction and development, housing security, renovation of barrier-free environments, and protection of rights and interests.

This special survey differed from previous endeavors in many ways. China has gained some experience from another two nationwide sampling surveys in 1987 and 2006. Judging from the social background of this survey, with economic and social development, China has a better social foundation and technological conditions to facilitate the survey.

8.3 New Achievements in the Protection of the Rights of Persons with Disabilities

8.3.1 The Right to Basic Living Security

China has fully established the system to provide living allowances for financially-challenged disabled people and nursing allowances for the severely disabled population since 2016, and these two allowances now cover all of the persons with disabilities in the country. By 2020, 12.126 million financially-challenged disabled people and 14.738 million severely disabled people benefited from the allowances, and 10.768 million disabled people had access to the urban and rural subsistence allowance, including 6.414 million severely disabled people. To ensure subsistence allowance for financially challenged people, the state clearly requires that severely disabled members, seriously ill members and other members with special difficulties from low-income families be covered by the subsistence allowance as a single-person household provided that they file an application. The state has established a stratified, classified and rural–urban integrated social assistance system with Chinese characteristics to ensure the basic living security of low-income families with severely disabled members.

By 2020, 12 provinces (autonomous regions and municipalities) including Beijing had established the provincial system to subsidize disabled people in their purchase of basic assistance devices, and 13 provinces (autonomous regions and municipalities) including Hebei had started to construct the system on a pilot basis in some of their cities or districts and counties. During the “13th Five-year Plan” period, a total of 12.525 million received assistance devices and services, and over 80% of disabled people were equipped with basic assistance devices in 2020. China has also established and promoted the “Internet +” assistance devices and services, and the accessibility of assistance devices and services to disabled people is greatly increased.

8.3.2 The Right to Rehabilitation

The State Council printed and issued the *Opinions on Establishing the System to Provide Rehabilitation and Assistance for Disabled Children* to establish and implement the system to provide rehabilitation and assistance for disabled children nationwide. From 2018 to 2020, 677,000 disabled children had access to rehabilitation and assistance, and orphaned and disabled children were provided with medical rehabilitation services. Children aged 0–6 who were raised in children’s welfare institutions and socially scattered orphans were all covered by the rehabilitation and assistance system for disabled children.

The State Council formulated the *Regulations on Disability Prevention and Rehabilitation of Persons with Disabilities*. The CDPF, the National Health and Family Planning Commission, and the Poverty Reduction Office of the State Council

jointly formulated the *Action Plan for Providing Targeted Rehabilitation Services for Persons with Disabilities* in order to provide basic rehabilitation services for disabled children and certified persons with disabilities. From 2016 to 2020, a total of 43.30 million persons with disabilities benefited from these services.

The CDPF, the Ministry of Civil Affairs, and the National Health Commission jointly formulated the *Working Standard of Community-based Rehabilitation for Persons with Disabilities*. By 2020, a total of 2726 counties (cities, districts) across the country provided community-based rehabilitation services for persons with disabilities.

31 provinces (autonomous regions and municipalities) across the country have formulated local policies to include more and more medical rehabilitation projects in the coverage of basic medical insurance.

Community-based rehabilitation services are promoted for mental patients. Funds are raised through multiple channels to support the construction, relocation, reconstruction and expansion projects of local mental hospitals.

8.3.3 *The Right to Education*

The education level of the disabled is raised. The planning and distribution of special education schools, as well as the support system that enables children with disabilities to study in regular classes, has been improved, so as to provide inclusive education for them, i.e., 12-year free education covering nine-year compulsory education and three-year high-school education. A system in which home teaching is offered to severely disabled children has been established.

The State Council revised the *Regulations on the Education of Persons with Disabilities* to clarify the principle of inclusive education for persons with disabilities. The Ministry of Education, the National Development and Reform Commission, the Ministry of Civil Affairs, the Ministry of Finance, the Ministry of Human Resources and Social Security, the National Health and Family Planning Commission, and the CDPF jointly implemented the *Special Education Promotion Plan (2014–2016)* and the *Second Phase of Special Education Promotion Plan (2017–2020)*. Disabled students from families with financial difficulties were provided with 12-years free education, and those in some provinces (autonomous regions and municipalities) were even provided with 15-years free education. From 2016 to 2020, a total of 57,500 disabled students were admitted into regular institutions of higher learning.

Born to a rural ethnic Yao family in a small town, Hunan Province on March 3, 2022, Jiang Mengnan received the award of “Person Touching China for 2021” given on CCTV. When she was half a year old, she suffered from neurological deafness. She has a pair of parents who love her dearly and never gave up on her. Under the power of determined will, she learned to read lips and went through kindergarten, elementary school, secondary and high schools, and university as just her peers did. In spite of an arduous journey of speech rehabilitation, her academic career was very successful. The good news was that Jiang Mengnan, at the age of 29, finally regained

her hearing through cochlear implantation in September 2021 and after practice. Now able to communicate with others with any barrier, she is pursuing a Ph.D. in School of Life Sciences, Tsinghua University.

8.3.4 The Right to Employment

The government constantly improves the policies to support the disabled to find jobs and startup businesses shall be improved, so shall the system of providing jobs for the disabled by public institutions. Policy support is strengthened to the disabled in starting up their own businesses, or getting jobs in flexible ways, getting supported employment or getting Internet-based employment.

The policy of granting preferential value-added tax for employment of persons with disabilities is implemented and promoted. For qualified employers and individual businesses that employ persons with disabilities in a centralized manner, the tax authorities refund the value-added tax subject to a limit immediately upon collection according to the number of employed persons with disabilities. In China, certified persons with disabilities in urban and rural areas can seek jobs through various channels. By 2020, 4.243 million people were engaged in farming, accounting for 49.24%; 2.388 million people got jobs in flexible ways, accounting for 27.71%; employment in certain proportion, self-employment, concentrated employment, public welfare employment and supported employment accounted for less than 10%, respectively.

From 2016 to 2020, more than 50,000 grassroots employment instructors for persons with disabilities were appointed across the country. Disabled persons' federations at all levels served nearly 80,000 disabled graduates, whose employment rate was over 60%. A total of 1.42 million unemployed persons with disabilities were visited and registered. More than 16,000 job fairs of various types were held, and nearly 200,000 people were employed. The employment scale of persons with disabilities remained stable, and new jobs were created for 1.808 million persons with disabilities in urban and rural areas.

Huang Daoliang, a staff member at the local disabled persons' federation in Minqing County, Fujian, took the college entrance exam in 1988 and 1989 as a disabled student. Although Huang got decent scores in the exams, he was rejected due to his physical limitations. When he tried the exam again in the third year, Xi Jinping, the CPC chief of the city of Fuzhou, as well as principal of Minjiang Polytechnic College, decided to admit Huang on the basis of exceptional enrollment. Huang thus became the first "armless student" in the province. The graduation certificate that he has been cherished is imprinted with the name "Xi Jinping". During the "13th Five-Year Plan" period, 57,500 disabled students were enrolled in higher-education institutions and nearly 10,000 disabled students were admitted to higher special education colleges.

8.3.5 *The Cultural Right of the People with Disabilities*

Efforts are made in different places to beef up investment in cultural and entertainment equipment appropriate for the disabled in the public cultural centers. Public libraries where conditions permit have reading areas or reading rooms for the disabled. The publication of reading materials for the visually handicapped and books about the disabled people is encouraged.

General speaking, apart from translating text into Braille and large-font versions, audiobooks are a more convenient way for persons with disabilities to “read”, but now accessible audiobooks are extremely scarce. Therefore, in order to eliminate the copyright barrier to audiobook production and better solve the hindrance to the cultural right of persons with disabilities, China not only promotes the conclusion of the *Marrakesh Treaty*, but also actively connects it with the *Copyright Law of the PRC* as one of the earliest signatories. On October 23, 2021, the Standing Committee of the National People’s Congress voted to approve the ratification of the *Marrakesh Treaty*, a decision that was doomed to bringing benefits to tens of millions of people with dyslexia.

The success of Beijing Paralympic Games in August 2008 inspired and promoted the development of sports for persons with disabilities in China. On March 4, 2022, the Beijing Winter Paralympics was officially opened, and the Chinese delegation showed up impressively. It was the fifth time when Chinese delegations participated in the Winter Paralympics. At this Winter Paralympics, the delegation consisted of 217 members, including 96 athletes and 121 coaches and staff members. Among the 96 athletes, 85 took part in the games for the first time to compete in all of the 6 major events such as wheelchair curling and paralympic ice hockey. The Beijing Winter Paralympics witnessed the largest delegation and the most athletes from China to compete in the most events ever since the country joined the games.

8.3.6 *Building of Barrier-Free Environments*

From 2016 to 2020, 20 provinces (autonomous regions and municipalities) issued the measures for implementing the *Regulations on the Building of An Accessible Environment*. 674 regulations, government decrees and normative documents on barrier-free environments and their management were formulated in provinces, prefectures (cities) and counties across the country. The state has issued comprehensive standards and codes such as the *Codes for Accessibility Design* and the *Construction Acceptance and Maintenance Standards of the Barrier-free Facilities*. The requirements for the construction of barrier-free facilities are further clarified in national and industry standards such as the *Uniform Standard for Design of Civil Buildings*, the *Design Code for Residential Building*, and the *Code for the Design of Public Park*. The installation of elevators and the construction of barrier-free environments

are supported in cities and towns. The renovation of barrier-free facilities for impoverished families with members suffering from severe disabilities across the country has benefited 650,000 people.

More than 800 government agencies across the country have completed the construction of barrier-free information public service platforms, and more than 32,000 government and public service websites are able to provide barrier-free services. Basic telecommunications companies are promoted to provide appropriate discounts for persons with disabilities who use their mobile phone and broadband network services. Domestic e-commerce companies are encouraged to hire persons with disabilities to a variety of online positions, including cloud-based customer service staff; a number of national barrier-free information standards, including the *Information Technology—Internet Content Accessibility Technical Requirements and Conformance Testing*, have been released under guidance. Barrier-free maps, together with mobile clients, are officially launched in more and more places to the great convenience of local disable people.

The Ministry of Public Security has revised the *Provisions on the Application for and Use of Driving Licenses*, so that persons with disabilities who wear hearing aids and those with monocular impairment, with one missing hand, and with lower limb disabilities can drive cars. Efforts are made to improve the driving experience of the disabled.

On August 6, 2012, Wang Jinlei, who was physically handicapped, missed the train at Zhengzhou Railway Station, Henan Province, because the barrier-free passage was locked and not opened by station staff; he complained to the Management Committee of Zhengzhou Railway Station and got apology and a compensation of RMB 3000 immediately. Some expert indicated that this was the first compensation case after the *Regulations on the Building of an Accessible Environment* came into effect.

It is noteworthy that the Beijing Winter Paralympics once again popularized the concept of “barrier-free environment”. Beijing took actions three years ago. Barrier-free facilities appear not only in areas related to the Winter Olympic Games and its supporting services, but also in the functional core areas of the capital city, with more than 300,000 venues rectified and renovated. In more and more places including Shanghai, Guangdong, Sichuan and so on, barrier-free construction is no longer limited to “barrier-free mobility” and “barrier-free basic living facilities”, but extends into broader fields such as “barrier-free information” and “barrier-free cultural exchanges”. As Wu Liquan, a young engineer of Shenzhen Accessibility Research Association, said, “We have been promoting the sharing of barrier-free technology and are committed to preventing people with information disabilities from being forgotten by the rapidly developing technology.” Huang Tingwan, a young teacher of the School of Architecture and Urban Planning, Beijing University of Civil Engineering and Architecture, maintained that each of us experiences “barriers” in a certain stage of our life—childhood, pregnancy, injury, old age... almost no one is spared. “So when we design and plan a sub-district community, we first put ourselves into the shoes of disabled and old people, observing the environment we live in through their eyes.”

8.3.7 *Judicial Protection of the Rights and Interests of Persons with Disabilities*

The Supreme People's Court published typical cases on the protection of the rights and interests of persons with disabilities to leverage the demonstrating and leading role of judicial adjudication in society, and issued the *Opinions on Effectively Safeguarding the Legal Rights and Interests of Persons with Disabilities in the Enforcement of Trials*. Some local courts provide fast track and full-process services for cases involving persons with disabilities during the case filing stage; other courts establish standardized "special judicial tribunals for persons with disabilities" which are equipped with barrier-free passages, blind sidewalks, and barrier-free guide signs.

In a typical case that occurred in July 2014, Yu showed his disability certificate to ask for a free ride while taking a bus, but his request was rejected by the driver. A dispute broke out. Yu brought a lawsuit to the people's court, requesting the bus company to make an apology, admit the mistake, and offer a compensation. Through trial, the People's Court of Xuanwu District, Nanjing City, Jiangsu Province, concluded that the right of disabled people to enjoy preferential ticket price is protected by law; the bus company infringed on this right by rejecting Yu's request for a free ride and was ordered to pay Yu RMB 2528 as compensation.

In another typical case, Lu (female) was intellectually disabled and married to Wang. In their daily, Wang beat Lu and her parents once he was slightly upset. Domestic violence was going on in the family. Lu filed a divorce lawsuit and submitted evidence such as receipt of acceptance and domestic violence warning from the police. After the case was accepted, the People's Court of Chengxiang District, Putian City, Fujian Province, invited representatives of the disabled persons' federation in the district to visit Lu and her family. After investigation and evaluation, the disabled persons' federation applied for a restraining order from the court on behalf of Lu on the grounds that Lu was afraid to file such an application herself because she suffered from domestic violence and was threatened. In August 2005, the court ruled that Wang was prohibited from imposing domestic violence on Lu and her close relatives and from appearing within 200 m from the place where Lu worked. This was the first case in which a disabled persons' federation applied for a restraining order as a proxy.

To sum up, China associates human rights with development while promoting the protection of the rights of persons with disabilities. It places more emphasis on listening to and respecting the opinions of persons with disabilities, attaches importance to their rehabilitation and capacity building, puts the rights to survival and development as top priorities in the protection of the rights of persons with disabilities, continues to strengthen the protection of their livelihood in the fields of employment and education through legal and policy measures and their implementation, and constantly enhance the protection of the rights of persons with disabilities.

Chapter 9

China and Global Human Rights Governance



9.1 Active Participation in the Human Rights Endeavors of the United Nations

9.1.1 *China Takes More Active Part in the Human Rights Endeavors of the United Nations*

Since its establishment, the United Nations has been the most important intergovernmental international organization and multilateral diplomatic platform. The preamble to the *Charter of the United Nations* begins by declaring “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” Promoting the respect and protection of human rights is part of the purpose and one of the goals of the *Charter*. The *Universal Declaration of Human Rights* adopted at the United Nations General Assembly in 1948 and a series of core conventions on human rights adopted thereafter established universal international standards on human rights and the human rights mechanism of the United Nations. Especially since the late 1980s and early 1990s, with broader and in-depth development of multilateralism and economic globalization, the United Nations has put more emphasis on its three major themes: peace, development and human rights. The international human rights governance system represented by the United Nations is an important part of international governance.

2021 witnessed the 50th anniversary of the restoration of the PRC’s lawful seat in the United Nations. China is a founding member of the United Nations and a permanent member of the Security Council. On behalf of China, Zhang Pengchun formally participated in the drafting of the *Universal Declaration of Human Rights* and made substantial contributions. In 1971, the PRC restored its lawful seat in the United Nations, which enabled it to better integrate into the international community. Today, China is not only a supporter and beneficiary of the world’s political, economic

and legal order as a whole, but also a participant and leader with growing influence. The same is true in the human rights governance under the framework of the United Nations.

Since 1979, China has sent representatives to attend the meetings of the United Nations Commission on Human Rights (UNCHR) as observers for years. China was elected as a member state of the UNCHR at the United Nations Economic and Social Council in 1981 and has been re-elected. Since 1984, the human rights experts recommended by China to the UNCHR have been elected as members and alternate members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on a consecutive basis.

The double standards maintained by some Western countries represented by the United States in the field of international human rights seriously disturbed the human rights endeavors of the United Nations. After 1990, the UNCHR once received some “anti-China proposals” entitled “Human Rights in China” from Western countries. According to the procedure, the Chinese delegation responded with a “no-action” motion, requesting the UNCHR to avoid taking actions, debating or voting on such proposals. China has thwarted anti-China proposals 11 times in a row at the UNCHR, a fact that shows such a motion of politically targeting a specific country would not enjoy popular support.

In September 1995, China successfully hosted the Fourth United Nations World Conference on Women and the NGO Forum on Women in Beijing. The World Conference on Women held in Beijing was a landmark in the history of the protection of women’s rights.

China’s efforts and achievements in the field of human rights have also gained positive recognition in the international community. In November 2003, China hosted the intergovernmental meeting of the United Nations Economic and Social Commission for Asia and the Pacific on formulating the *Convention on the Rights of Persons with Disabilities*. The *Beijing Declaration* was passed at the meeting. China also promoted the second “Asian and Pacific Decade of Persons with Disabilities (2003–2012)”. In December 2003, Julian Hunte, President of the 59th Session of the United Nations General Assembly, presented the “United Nations Human Rights Prize” to Deng Pufang, Chairman of the CDPF, and spoke highly of the great efforts that he and the Chinese government made to promote and protect human rights.

China has always supported UN peacekeeping operations with practical actions. Since 1989, it has begun to send observers to participate in these operations. In 1992, it sent a peacekeeping engineering brigade of 800 members to Cambodia. In January 2000, at the request of the United Nations, China sent 15 civilian police officers to the United Nations Transitional Administration in East Timor, which was the first time when the Chinese government had dispatched civilian police officers for a UN peacekeeping mission. By January 24, 2018, China had sent nearly 40,000 peacekeepers, including 13 officers and soldiers and 4 policemen who lost their precious lives in peacekeeping missions.

When attending a series of summits to celebrate the 70th anniversary of the United Nations in 2015, Chinese Chairman Xi Jinping announced that China-UN Peace and Development Fund would be established to support the United Nations’ multilateral

cooperation and make new contributions to world peace and development. The Fund has carried out dozens of specific projects in the fields of mediation, peacekeeping and counter-terrorism capacity building, the *2030 Agenda for Sustainable Development*, and refugee immigration.

As a contracting state to the *UN Convention Relating to the Status of Refugees* and its protocols, China actively supports and participates in refugee protection endeavors led by the United Nations worldwide. On September 19, 2016, Chinese Premier Li Keqiang came to New York for the UN General Assembly “High-Level Meeting on Large Movements of Refugees and Migrants” that had been held on such a topic for the first time since the establishment of the United Nations. He said that the large movements of refugees and migrants had caused a series of political, economic, social and security issues. Confronted with this common challenge in the international community, China was willing to assume responsibilities that were commensurate with its own capabilities. The Premier promised to provide an additional aid of USD 100 million on top of the existing aid.

China has held many rounds of dialogues on human rights issues with many countries or international organizations, such as the United States, the United Kingdom, Australia, and the European Union. A number of human rights officials and experts from the United Nations and other countries were invited to visit China, and China sent delegations to exchange opinions and views on issues in the field of international human rights in some countries.

To address the disadvantages of political will, selectivity and confrontation, the UN Human Rights Council was formally established in 2006 to replace the UNCHR. China was elected as a member state of the First Session of the Human Rights Council in its inception and has been re-elected many times since then.

The Chinese government attaches great importance to participating in the UN Human Rights Council’s Universal Periodic Review (UPR). More than seriously participating in the UPR on other countries, the Chinese government also actively prepares and participates in its own. In 2009, China was subjected to the UPR for the first time. At the 11th meeting of the UN Human Rights Council held in June 2009, the final UPR document on human rights in China was reviewed and approved. On October 22, 2013, the Human Rights Council’s UPR Working Group started the second UPR on China in Geneva. The author found at the meeting that each country had only 50 s to present themselves due to the large number of registered speakers. Representatives from 137 countries, including more than 50 ambassadors, spoke one after another, and more than 110 representatives spoke positively of the human rights achievements in China. On March 20, 2014, the UN Human Rights Council adopted the final UPR document on the human rights in China. At the meeting, China announced that it would accept 204, or 81%, of the 252 recommendations made by other countries after careful study and efforts. These recommendations covered more than 20 areas, including poverty reduction, education, and judicial reform.

On November 6–9, 2018, China attended the UN Human Rights Council’s UPR for the third time. Le Yucheng, China’s Vice Minister of Foreign Affairs, led a delegation to the event. The Chinese delegates presented a national report on human rights that comprehensively reviewed China’s new achievements and progress in

promoting and protecting human rights, and announced 30 new measures to be taken in the field of human rights. The Chinese delegation had constructive dialogues with all the other parties in an open, inclusive, candid and cooperative manner. They responded actively to the comments and suggestions put forward by all the other parties, while solemnly refuting any unreasonable accusations against China by a few countries. During the UPR, more than 120 countries fully affirmed China's great achievements in promoting and protecting human rights, spoke highly of the concept and practice of human rights with Chinese characteristics, and appreciated the important contribution that China has made to the human rights endeavors in the world through its development and progress.

The UPR is an intergovernmental process, but NGOs are also actively involved. For example, during the second UPR, NGOs from China were involved and facilitated new developments. According to the rules of the United Nations, NGOs are allowed to organize side events to present and discuss the human rights situation of relevant countries during the UPR. Chinese NGOs such as the All-China Women's Federation, China Society for Human Rights Studies, and China NGO Network for International Exchanges appeared at the Palais des Nations in Geneva to organize three side events during the UPR under the themes of "China's Efforts to Promote the Rights of Women", "Human Rights in China: An Integrated Path", and "Chinese NGOs and Human Rights". The speakers included Chinese human rights experts and NGO officials, as well as Dutch and Swiss scholars who provided unique observations and researches on issues related to China. When attending the side events as an expert and speaker, the author felt personally that the special presentations of NGOs on the specific issues and development path of the human rights in China conveyed messages from the non-governmental perspective to the international community and effectively increased the channels for the outside world to know and understand China. Compared with the dominant NGOs with the background in Western countries that are involved in the human rights endeavors of the United Nations, Chinese NGOs are doing significant work abroad by making constructive contributions to the United Nations.

More and more grassroots NGOs become active and come to the international human rights arena. For example, Beijing Legal Aid and Research Center for Juveniles and Beijing Zhicheng Legal Aid and Research Center for Migrant Workers sent delegations to attend the 35th Session of the UN Human Rights Council. In 2017, in response to the UN Sustainable Development Goals and the "Global Partnership to End Violence Against Children" initiated by the UNICEF and the World Health Organization, the Beijing Legal Aid and Research Center for Juveniles led the "Chinese Partnership to End Violence Against Children", joined by UNICEF China, Save the Children China Program, and Girls Protection. The partnership was intended to promote the ending of violence against children nationwide and became the first Chinese member to the UN global partnership.

The General Assembly of the United Nations re-elects about 1/3 of the 47 seats of the Human Rights Council every year. Each elected member serves for a term of three years and can be re-elected once at most. Therefore, a new term can only be sought with a gap of one year after two consecutive terms. China actively seeks election

when it is qualified to do so and was always elected with overwhelming votes. It became a member state of the Human Rights Council for 2006–2012, 2014–2016, and 2017–2019. It was successfully re-elected at the 75th UN General Assembly on October 13, 2020, for a term from 2021 to 2023.

The frequent elections of China as a member of the Human Rights Council by overwhelming votes proves that the great achievements China has made in human rights endeavors and the important role it plays in international human rights exchanges and cooperation is fully recognized by other countries, and more importantly, it bears an expectation in the international community about China, as a rising developing country, to play a greater role in the United Nations. In this context, China will continue to participate in the work of the Human Rights Council and other UN human rights mechanisms as a constructive member, advocate dialogue and cooperation, and promote the international community to pay equal attention to all human rights and address human rights issues in a fair, objective and non-selective manner.

9.1.2 China Attaches Great Importance to the Development of the UN Human Rights System

Over the years, China has taken active part in drafting and formulating international rules in the field of human rights. As a founding member of the United Nations, China participated in the formulation of the *Charter of the United Nations*, the *Universal Declaration of Human Rights* and a series of international instruments on human rights, making important contributions to the development of the international human rights rules and system. China participated in the drafting of the *UN Convention on the Elimination of All Forms of Discrimination Against Women*, the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, the *Convention on the Rights of the Child*, and the *Convention on the Rights of Persons with Disabilities*, and played a constructive role in international climate change negotiations with the *United Nations Framework Convention on Climate Change* as the main channel, promoting the conclusion and entry into force of the *Paris Agreement*. In addition to conventions, China also contributed to the drafting of human rights documents, including the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, the *Declaration on the Right to Development*, the *Vienna Declaration and Programme of Action*, and the *Declaration on the Right of Peoples to Peace*. Moreover, in line with the spirit of the *Charter of the United Nations*, China has put forward the important “Belt and Road” initiative and thereby strongly promoted the formulation of rules for international cooperation in the fields of economy, environmental protection, medical and health care, youth, child protection and development, cyberspace governance, anti-corruption, and drug control.

So far, China has acceded to more than 20 international conventions and protocols on human rights. Among the core UN conventions on human rights, China has not

signed or ratified the 1990 *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* and the 2006 *International Convention for the Protection of All Persons from Enforced Disappearance*. China has signed but not yet acceded to the ICCPR. However, the Chinese government is striving to make it happen, and relevant departments continue to steadily advance administrative and judicial reforms for ratification of ICCPR on an earlier date.

China attaches great importance to the essential role of international human rights instruments in promoting and protecting human rights. It seriously fulfills the obligations in the human rights conventions that it has ratified or acceded to, submits performance reports to relevant treaty bodies in a timely manner, has constructive dialogues with them, fully considers their suggestions and opinions, and adopts and put into action reasonable and feasible suggestions in light of its national conditions. Recent examples are listed as follows. In 2012, China's first report on the implementation of the *Convention on the Rights of Persons with Disabilities* passed the review. In 2013, China submitted the third and fourth consolidated report on the implementation of the *Convention on the Rights of the Child* and the first report on the implementation of the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, and both of the reports passed the review. In 2014, China's second report on the implementation of the *International Covenant on Economic, Social and Cultural Rights* passed the review. China's seventh and eighth consolidated report on the implementation of the *Convention on the Elimination of All Forms of Discrimination Against Women* was subjected to the review of the Committee on the Elimination of Discrimination against Women (CEDAW). In 2015, China's sixth report on the implementation of the *UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* was subjected to the review of the Committee against Torture (CAT). In 2017, China submitted response materials on follow-up actions to the CAT and the CEDAW. In 2018, China submitted the fourteenth to seventeenth consolidated report on the implementation of the *International Convention on the Elimination of All Forms of Racial Discrimination* to the Committee on the Elimination of Racial Discrimination, which was subjected to review in August. China is a big developing country with a vast territory, a large population, and relatively complex national conditions. To regularly prepare and write a national report on convention implementation is by no means easy. Compared with the long-standing problems in the UN human rights mechanism, such as delay or failure in submitting a national report from contracting states or the indifference to dialogues with human rights treaty bodies over the review process, China was once recognized by the Committee on Economic, Social and Cultural Rights as a role model due to its positive, responsible and constructive attitude.

The human rights mechanism of the United Nations is an integral whole. It is based on the *Charter of the United Nations*, with the *Universal Declaration of Human Rights* as its guiding principle, with the core human rights treaties of the United Nations as its framework and basic content, supplemented by a large number of interpretive documents such as resolutions and declarations adopted at the UN General Assembly, as well as the UN human rights treaty mechanism. The human

rights law system under the UN framework has been systematic. It is not only a combination of legal instruments at different levels with institutional construction and supporting procedures, but also constructive from standard formulation to supervision and advocacy. Since the reform and opening up, China has developed rapidly, with its comprehensive national strength continuously enhanced. Its status and role in the United Nations have attracted more attention from the world. In line with the UN's increasing emphasis on human rights affairs and following more closely with domestic economic development, social progress and construction of the rule of law, China has been more deeply involved in the UN human rights mechanism.

9.2 Promote Global Human Rights Governance in a Constructive Manner

9.2.1 Deficit in Global Human Rights Governance

Having full entitlement to human rights is the common ideal of people all over the world. Governments and peoples of all countries continue to deepen their understanding of human rights and advocate and promote the civilization and progress of human society through specific human rights practices. With the further liberation of productive forces and the optimization and development of production relations in the new century, the human society has found itself with unprecedented ability and potential in human rights protection.

However, the realization of human rights is never simple and natural; instead, it relies on the hard work, unrelenting efforts, and even arduous struggles of peoples in all countries. Today, the respect and protection of human rights is still an endeavor faced with both challenges and opportunities, either on the global scale or at individual country level. On February 27, 2017, the new Secretary-General of the United Nations, António Guterres, attended the 34th Session of the Human Rights Council and delivered a speech in his new capacity for the first time. He said, "Our world is becoming more dangerous, less predictable, more chaotic. New conflicts are multiplying. Old ones never die."

The development of international human rights endeavors is confronted with both traditional and new challenges, especially considerable political, economic and technological uncertainties. It is a common hope that the hard-won progress in human rights can be irreversible, but world peace is not indestructible and local wars and armed conflicts have not been effectively prevented and stopped; the development goal of further promoting prosperity and eradicating poverty advocated by the United Nations is still a daunting task; the intensifying migration and "refugee waves" in some areas remain unsolved; unilateralism and conservatism are on the rise in some countries; there is still a long way to go before social evils such as terrorism, racism, and sexism are addressed; adequate and effective governance and regulation are still absent in a number of emerging fields that have complicated impact on human

rights, such as environmental protection, climatic change, the Internet, and medical technologies.

The progress of human rights in the world is inseparable from the economic development and social progress of all countries in the world, including developing and underdeveloped countries, as well as active, effective and constructive exchanges and cooperation among countries. Universal international organizations represented by the United Nations have witnessed both the development and progress of international human rights endeavors and the risks and challenges, including the “governance deficit” in the field of human rights.

9.2.2 China Provides a Chinese Solution for Global Human Rights Governance

Regarding the protection of human rights, a common cause of all mankind, China’s proposition is an embodiment of its wisdom. That is, domestically, it relies mainly on its own people and sticks to a road to human rights that adapts to its own national conditions and that is in the interests of the people; internationally, it works together with other countries to build a new type of international relations featuring mutual respect, fairness, justice, and win–win cooperation, builds a human community with a shared future, adheres to multilateralism, and strengthens dialogue and cooperation in the field of human rights to achieve win–win cooperation.

In March 2013, Chinese Chairman Xi Jinping delivered an important speech at Moscow State Institute of International Relations. He said that human beings live in the same global village, at the same time and space where history and reality meet. We are becoming more and more a community of shared future. Since then, Chairman Xi Jinping has talked about a community of shared future on many important international and domestic occasions.

Peace and development remain the themes in today’s world. In the field of human rights, a community with a shared future for mankind can be reflected in the importance of the rights to subsistence, development and peace highlighted in the socialist outlook on human rights with Chinese characteristics. In a congratulatory letter sent to “2015·Beijing Forum on Human Rights”, Chairman Xi Jinping mentioned China’s two “unswerving commitments”: China will unswervingly stay on the path of peaceful development and unswervingly advance human rights development both in China and in the wider world. In a congratulatory letter to the seminar in Commemoration of the 30th Anniversary of the *UN Declaration on the Right to Development* held on December 4, 2016, Chairman Xi Jinping emphasized that development is the eternal theme of human society; the *UN Declaration on the Right to Development* recognizes that the right to development is an inalienable human right; China will make greater contributions to human development and progress, and, with the

UN *2030 Agenda for Sustainable Development* as a new starting point, the international community should find a path of fair, open, comprehensive and innovative development and work for common development.

The new amendment to the *Constitution* was adopted at the First Session of the 13th National People's Congress on March 11, 2018. In Paragraph 12 of the preamble, the original provision that "China pursues an independent foreign policy, observes the five principles of mutual respect for sovereignty and territorial integrity, mutual nonaggression, mutual noninterference in internal affairs, equality and mutual benefit, and peaceful coexistence" is followed by an additional statement that "(China) keeps to a path of peaceful development, follows a mutually beneficial strategy of opening up"; "(China) works to develop diplomatic relations and economic and cultural exchanges" is followed by "(China) promotes the building of a human community with a shared future". Therefore, building of a human community with a shared future is the continuation and development of the Five Principles of Peaceful Coexistence advocated by China since the 1950s, as well as its constitutional principle, goal and philosophy.

China's proposition aroused important responses in the United Nations. On February 10, 2017, the 55th Session of the Commission for Social Development endorsed the resolution of "Social Dimensions of the New Partnership for Africa's Development" through consultation, calling for the international community to strengthen the support for the economic and social development of Africa under the principles of win-win cooperation and the spirit of building a human community with a shared future. This was the first time when "building a human community with a shared future" was written into a UN resolution. The Resolution No. 2344 adopted by the Security Council on March 17 stressed the crucial importance of advancing regional cooperation in the spirit of win-win cooperation as an effective means to promote security, stability and development in Afghanistan and the region to build a human community with a shared future. On March 23, the 34th Session of the UN Human Rights Council endorsed two resolutions concerning "the economic, social and cultural rights" and "the right to food", which stated the clear requirement of "building a human community with a shared future". This was the first time when the major concept of a human community with a shared future had been included in a resolution of the Human Rights Council, and it marked the official acceptance of this important concept proposed by China in the resolution of the Council and the status of this concept as an important component of the international discourse system on human rights.

China attaches importance to and leads North-South cooperation and South-South cooperation to promote the UN *2030 Agenda for Sustainable Development*. In September 2016, the G20 Hangzhou Summit, facilitated by China, created two "records" in the history of the summit: It placed development issues in a prominent position in the global macro policy framework and formulated a collective action plan for the *2030 Agenda for Sustainable Development*—both for the first time.

In today's world, the respect and protection of human rights is hindered by many challenges, and the difficulties and obstacles in developing countries are particularly

noteworthy and more serious. On December 7–8, 2017, the State Council Information Office and the Ministry of Foreign Affairs of China held the first “South-South Human Rights Forum” in Beijing, and Chinese Chairman Xi Jinping sent a congratulatory letter. More than 200 representatives from nearly 60 countries, regions and international organizations in the world attended the forum and actively participated in discussions on the development of human rights in developing countries and the wider world. In his congratulatory letter, Chairman Xi Jinping conveyed China’s message on strengthening global human rights governance in the new era—following a people-centered development philosophy, upholding both the universality and particularity of human rights, advancing development through cooperation, promoting human rights through development, and building of a human community with a shared future with people in other developing countries and beyond. These are important messages that inspire and lead the development of human rights endeavors in developing countries and the wider world.

When the COVID-19 broke out, China did not “mind its own business”. Instead, it maintained active contact and cooperation with the World Health Organization in the spirit of selflessness and internationalism from the beginning. It detected and confirmed the new virus immediately, finished complete genome sequencing and shared it with the WHO and other countries. When caught off guard by the new virus, China was the first to be affected and withstood huge pressure. However, it was decisive and responded effectively to curb the development and spread of the epidemic in a timely manner, securing a phased victory in the battle. At the same time, China always upheld solidarity and cooperation with other countries and international organizations. It launched the largest global humanitarian action since its founding by being the first country to promise to provide the COVID-19 vaccine as a global public goods, to support exemption of intellectual property rights to the vaccine, and to cooperate with developing countries in vaccine production. By March 2022, China has supplied more than 2.2 billion doses of COVID-19 vaccines to more than 120 countries and international organizations. Many countries, especially developing countries, have received the first batch of vaccines from China. From the perspective of human rights, this is an important contribution that China has made to the life and health of all human beings and the human rights endeavors in the world.

On January 15, 2022, a volcano in Tonga erupted and caused serious disasters such as tsunamis. After the disaster broke out, China extended a helping hand to Tonga in various ways. The Chinese Embassy in Tonga immediately collected food and drinking water from local Chinese businessmen and delivered these materials to the Tonga government on January 19, which were the first relief materials received by the disaster-stricken country. On January 27, 50 tons of supplies urgently purchased by China from Fiji arrived in Tonga. On January 28, upon the request of Tonga, the Chinese government dispatched two Air Force carriers to deliver relief supplies. On February 15, a batch of relief supplies delivered by two Chinese warships arrived in Tonga. Cao Xiaolin, Chinese Ambassador to Tonga, said that China would continue to help Tonga and other Pacific island countries enhance their ability to respond to major public health emergencies and natural disasters, promote sustainable development, and build a community of shared future between China and these countries.

It is an indisputable fact in the era of globalization that the world is an integral whole and human beings are on the same boat. China actively provides support and more international public goods to strengthen international governance and promote the building of a human community with a shared future. This position and proposition has been proven to be scientific and forward-looking, and it is in line with the reality and future development trends of the international community. The peace, development and human rights advocated by the United Nations are all faced with historic challenges. In addition to the existing wars and armed conflicts, natural disasters, epidemics, etc., the international system and international law are also being ignored or destroyed. The United States, as the most powerful developed country, openly advocates the strategy of “America first”, and it once withdrew or threatened to withdraw from international treaties and international organizations, including the WHO, the UN Human Rights Council. It is taking its unilateralism and bullying to extremes, directly threatening the overall security, development and human rights in the international community, including China.

It seems that UN agencies, including the Human Rights Council, and other international organizations have to trudge over a hard journey if they hope to effectively promote the development of international human rights endeavors. With the outbreak of COVID-19, it has become more difficult to convene physical meetings on the international human rights mechanism, and this is complicated by the inadequate financial budget. Some Western countries show an irresponsible attitude towards international cooperation, which further haunts the development prospects of international human rights endeavors.

Protecting human rights is the common aspiration of peoples all over the world. The key to realizing this goal and ideal is by no means a simple political slogan, but effective maintenance of lasting international peace, sustained international economic and social development, and especially an international political, economic and legal order featuring equality, fairness and justice. The original intention of international cooperation reflected in the *Charter of the United Nations* shall not be forgotten, and the pursuit of peace, development and human rights in the international community shall not be changed.

Chinese Chairman Xi Jinping attended and made a statement at the General Debate of the 76th Session of the United Nations General Assembly via video on September 21, 2021. He said, “The UN should hold high the banner of true multilateralism and serve as the central platform for countries to jointly safeguard universal security, share development achievements and chart the course for the future of the world. The UN should stay committed to ensuring a stable international order, increasing the representation and say of developing countries in international affairs, and taking the lead in advancing democracy and rule of law in international relations. The UN should advance, in a balanced manner, work in all the three areas of security, development and human rights. It should set common agenda, highlight pressing issues and focus on real actions, and see to it that commitments made by all parties to multilateralism are truly delivered.” China’s position and proposition share the common aspiration and wish of developing countries and are in line with the development trend of global human rights governance.

In a word, as the largest developing country, China has embarked on a correct road to human rights development in line with its national conditions through reform and opening up, and it has ushered in a new stage where its human rights endeavors are in full swing. When it comes to the protection of human rights, China's basic position is highly aligned with the position of the international community, especially that of the United Nations. Against the backdrop of great changes unseen in a century, China, like other countries in the world, encounters tangible difficulties and problems on the way forward, with challenges and opportunities coexisting. The Chinese government and the Chinese people strive to do their part and create a happy and better life with self-confidence, willpower, diligence and wisdom, and at the same time they resolutely support the reform and development of the international system with the United Nations as the core, uphold constructive exchanges and cooperation in the field of human rights at the international level, and make greater contributions to world peace, development and human rights.